

# ORIGINAL

PUBLIC

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES



\_\_\_\_\_  
In the Matter of )  
 )  
Phoebe Putney Health System, Inc. )  
a corporation, and )  
 )  
Phoebe Putney Memorial Hospital, Inc. )  
a corporation, and )  
 )  
Phoebe North, Inc. )  
a corporation, and )  
 )  
HCA Inc. )  
a corporation, and )  
 )  
Palmyra Park Hospital, Inc. )  
a corporation, and )  
 )  
Hospital Authority of Albany-Dougherty County )  
\_\_\_\_\_ )

**Docket No. 9348**

**PUBLIC REDACTED  
VERSION**

**JOINT MOTION TO WITHDRAW MATTER FROM ADJUDICATION**

Pursuant to Rule 3.25(b) of the Rules of Practice of the Federal Trade Commission (“FTC Rules”), 16 C.F.R. § 3.25(b), Complaint Counsel and Counsel for the Respondents (collectively “the Parties”) jointly move to withdraw Docket No. 9348 from adjudication for the purpose of considering the proposed attached Consent Proposal and further move, pursuant to Rule 3.25(c) of the Commission’s Rules of Practice, that the Administrative Law Judge certify the motion and Consent Proposal to the Commission.

Complaint Counsel and Respondents represent that the Consent Proposal details the agreed upon material terms and there exists a “reasonable possibility of settlement” in accordance with Rule 3.25(b). The Parties also note that they have stipulated to a Preliminary Injunction that has been entered by U.S. District Court Judge W. Louis Sands on June 5, 2013, halting further integration and maintaining the *status quo*. Thus, the Parties request the matter

removed from adjudication for thirty (30) days to finalize the terms of a proposed Consent Agreement.

Dated: June 10, 2013

Respectfully submitted,

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UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

_____	)	
In the Matter of	)	
	)	
Phoebe Putney Health System, Inc.	)	<b>Docket No. 9348</b>
a corporation, and	)	
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Phoebe Putney Memorial Hospital, Inc.	)	
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Phoebe North, Inc.	)	
a corporation, and	)	
	)	
HCA Inc.	)	
a corporation, and	)	
	)	
Palmyra Park Hospital, Inc.	)	
a corporation, and	)	
	)	
Hospital Authority of Albany-Dougherty	)	
County	)	
_____	)	

**[PROPOSED] ORDER GRANTING JOINT MOTION FOR  
CERTIFICATION TO THE COMMISSION**

Upon due consideration of Complaint Counsel and Respondents’ Joint Motion to certify to the Commission their Joint Motion to Withdraw the Matter from Adjudication, and upon finding a likelihood of settlement, it is hereby ORDERED that, pursuant to Rule 3.25(c) of the Commission’s Rule of Practice, Complaint Counsel and Respondents’ Motion to Withdraw Matter from Adjudication is certified to the Commission.

IT IS SO ORDERED

\_\_\_\_\_  
D. Michael Chappell  
Chief Administrative Law Judge

Dated:

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman  
Julie Brill  
Maureen K. Ohlhausen  
Joshua D. Wright

_____	)	
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HCA Inc.	)	
a corporation, and	)	
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Palmyra Park Hospital, Inc.	)	
a corporation, and	)	
	)	
Hospital Authority of Albany-Dougherty County	)	
_____	)	

**[PROPOSED] ORDER WITHDRAWING MATTER FROM ADJUDICATION FOR THE  
PURPOSE OF CONSIDERING A CONSENT PROPOSAL**

Complaint Counsel and Respondents, having jointly moved that this matter be withdrawn from adjudication because there is a reasonable possibility of a settlement, and the Commission having been satisfied that there is a likelihood of settlement in its entirety;

**IT IS ORDERED**, pursuant to Rule 3.25(d) of the Commission Rules of Practice, 16 C.F.R. § 3.25(d), that this matter in its entirety is hereby withdrawn from adjudication and that all proceedings before the Administrative Law Judge are hereby stayed for thirty (30) days pending a determination by the Commission with respect to the Consent Proposal;

**IT IS FURTHER ORDERED**, pursuant to Rule 3.25(b) of the Commission’s Rules of Practice, that the Consent Proposal shall not be placed on the public record unless and until it is accepted by the Commission:

By the Commission.

Donald S. Clark  
Secretary

Dated:

**CONFIDENTIAL CONSENT PROPOSAL**

**REDACTED IN ENTIRETY**

**CERTIFICATE OF SERVICE**

I hereby certify that on June 10, 2013 I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

Donald S. Clark  
Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-113  
Washington, DC 20580

I also certify that I delivered via electronic mail and hand delivery a copy of the foregoing document to:

The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-110  
Washington, DC 20580

I further certify that I delivered via electronic mail a copy of the foregoing document to:

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*Counsel for Respondent*  
*HCA Inc. and Palmyra Park Hospital, Inc.*

**CERTIFICATE FOR ELECTRONIC FILING**

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

June 10, 2013

By: s/ Maria DiMoscato  
Attorney