

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

ORIGINAL



In the Matter of)
PHOEBE PUTNEY HEALTH)
SYSTEM, INC., and)
PHOEBE PUTNEY MEMORIAL)
HOSPITAL, INC., and) DOCKET NO. 9348
PHOEBE NORTH, INC., and)
HCA INC., and)
PALMYRA PARK HOSPITAL, INC., and)
HOSPITAL AUTHORITY OF)
ALBANY-DOUGHERTY COUNTY,)
Respondents.)

**ORDER GRANTING REQUEST TO CERTIFY JOINT MOTION
TO WITHDRAW MATTER FROM ADJUDICATION**

On June 10, 2013, the parties in the above-captioned matter filed a Joint Motion to Withdraw Matter from Adjudication ("Joint Motion"), for thirty days for the purpose of considering a proposed consent agreement ("Consent Proposal"). The parties request, in the Joint Motion, that the Administrative Law Judge certify the Joint Motion and the Consent Proposal to the Commission for disposition, pursuant to Rule 3.25(c) of the Commission's Rules of Practice.

The parties represent that the Consent Proposal, which is attached to the Joint Motion, details the agreed upon material terms of a settlement and that there exists a reasonable possibility of settlement. The parties further note that a stipulated preliminary injunction was entered in federal district court on June 5, 2013, which the parties state will maintain the *status quo* and stop further integration of Respondents' hospitals, pursuant to the merger challenged in this case.

Rule 3.25 sets forth the procedures for withdrawing a matter from adjudication to pursue settlement. Rule 3.25(b) provides that a proposal to settle a matter in adjudication by consent "shall be submitted by way of a motion to withdraw the matter from adjudication for the purpose

of considering a proposed settlement.” 16 C.F.R. § 3.25(b). Where, as here, the matter is pending before an Administrative Law Judge and the consent proposal has not been executed by the parties, Rule 3.25(c) provides that the Administrative Law Judge “shall certify the motion and proposal to the Commission upon a written determination that there is a reasonable possibility of settlement. The certification may be accompanied by a recommendation to the Commission as to the disposition of the motion.” 16 C.F.R. § 3.25(c).

Based upon the parties’ representations in the Joint Motion, a reasonable possibility of settlement exists in this matter. Accordingly, pursuant to Rule 3.25(c), the request to certify the Joint Motion is GRANTED, and the Joint Motion is hereby CERTIFIED to the Commission. This certification is without recommendation.

ORDERED:

D M Chappell
D. Michael Chappell
Chief Administrative Law Judge

Date: June 11, 2013