

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 16-2365

FEDERAL TRADE COMMISSION;
COMMONWEALTH OF PENNSYLVANIA,
Appellants

v.

PENN STATE HERSHEY MEDICAL CENTER;
PINNACLE HEALTH SYSTEM

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(M.D. Pa. No. 1-15-cv-02362)
District Judge: Honorable John E. Jones, III

Argued July 26, 2016
Before: FISHER, GREENAWAY, JR., and KRAUSE, *Circuit Judges*.

JUDGMENT

This cause came on to be heard on the record from the United States District Court for the Middle District of Pennsylvania and was argued on July 26, 2016.

On consideration whereof, it is now hereby ORDERED and ADJUDGED that the order of the District Court entered May 9, 2016, be and the same is hereby REVERSED.

The cause is REMANDED and the District Court is DIRECTED to

PRELIMINARILY ENJOIN the proposed merger in question pending the outcome of the administrative adjudication before the Federal Trade Commission. All of the above in accordance with the opinion of this Court.

Costs taxed against Appellees.

Attest:

s/Marcia M. Waldron
Clerk

Dated: September 27, 2016

OFFICE OF THE CLERK

MARCIA M. WALDRON

CLERK



UNITED STATES COURT OF APPEALS

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September 27, 2016

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RE: FTC, et al v. Penn State Hershey Medical Cen, et al
Case Number: 16-2365
District Case Number: 1-15-cv-02362

ENTRY OF JUDGMENT

Today, **September 27, 2016** the Court entered its judgment in the above-captioned matter pursuant to Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Page Limits:

15 pages

Attachments:

A copy of the panel's opinion and judgment only. No other attachments are permitted without first obtaining leave from the Court.

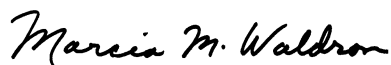
Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. If separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to a combined 15 page limit. If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

A party who is entitled to costs pursuant to Fed.R.App.P. 39 must file an itemized and verified bill of costs within 14 days from the entry of judgment. The bill of costs must be submitted on the proper form which is available on the court's website.

A mandate will be issued at the appropriate time in accordance with the Fed.R.App.P. 41.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

For the Court,



Marcia M. Waldron, Clerk

s/ pdb Case Manager