

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



_____)
In the Matter of)
)
Cabell Huntington Hospital, Inc.)
a corporation,)
)
Pallottine Health Services, Inc.)
a corporation, and)
)
St. Mary's Medical Center, Inc.)
a corporation,)
)
Respondents.)
_____)

DOCKET NO. 9366

**ORDER GRANTING RESPONDENT'S UNOPPOSED
MOTION FOR ISSUANCE OF SUBPOENAS**

I.

On January 14, 2016, pursuant to Federal Trade Commission ("FTC") Rule 3.36, 16 C.F.R. § 3.36, Respondent Cabell Huntington Hospital ("Cabell") filed a motion for the issuance of subpoenas *ad testificandum* ("Motion") to four officials of, and personnel associated with, Marshall University, a public university in West Virginia (the "Marshall University Personnel"). Rule 3.36(b) requires the party seeking issuance of a subpoena requiring the appearance of an official or employee of another governmental agency to make a showing that: the material sought is reasonable in scope; the material is within the limits of discovery under Rule 3.31(c)(1); the information or material sought cannot reasonably be obtained by other means; and the subpoena meets the requirements of Rule 3.37. Respondent recites that FTC Complaint Counsel does not oppose the Motion.

II.

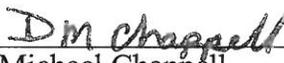
On January 13, 2016, pursuant to Rule 3.36, an order was issued granting Complaint Counsel's unopposed motion for deposition subpoenas directed to these same four Marshall University Personnel. Pursuant to Additional Provision 13 of the Scheduling Order issued in this case: the parties are required to consult with each other prior to confirming any deposition to

coordinate the time and place of the deposition; third-party depositions are limited to a maximum of seven hours; and, for any third-party deposition noticed by both Complaint Counsel and Respondents, the maximum time for the deposition shall be allocated under the terms of Additional Provision 13. Thus, although Complaint Counsel has been authorized to serve deposition subpoenas directed to the Marshall University Personnel, it is not duplicative for Cabell to seek to cross-notice the Marshall University Personnel. The parties shall comply with the requirements of Additional Provision 13.

Respondent's Motion meets the requirements of Rule 3.36 and is therefore GRANTED.

Pursuant to Rule 3.34, in the event that any of the Marshall University Personnel seek to limit or quash the subpoenas, they shall have the earlier of ten days after service of the subpoenas or the time for compliance therewith to file any such motion. 16 C.F.R. § 3.34(c). In addition, pursuant to Rule 3.36(c), Respondent may forward to the Secretary a request for the authorized subpoenas, with a copy of this authorizing order attached. Respondent shall serve a copy of this order on the Marshall University Personnel at the time it serves the subpoenas. 16 C.F.R. § 3.36(c).

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: January 14, 2016