

ORIGINAL



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

In the Matter of)
)
)
CARILION CLINIC)
)
a corporation,)
Respondent.)
_____)

DOCKET NO. 9338

**ORDER GRANTING AMENDED REQUEST FOR
CERTIFICATION TO THE COMMISSION**

On August 6, 2009, Complaint Counsel and Respondent Carilion Clinic filed a Joint Motion to Withdraw Matter from Adjudication. On August 7, 2009, Complaint Counsel and Respondent Carilion Clinic filed an Amended Joint Motion to Withdraw Matter from Adjudication. The parties state that the amended motion is filed to replace the Proposed Order Granting Complaint Counsel and Respondent's Joint Motion to Withdraw from Adjudication, filed with the August 6, 2009 motion.

The parties seek to withdraw this matter from adjudication for the purpose of considering the proposed consent agreement, attached to the motion. Specifically, the parties request that the matter be withdrawn from adjudication for 30 days, after which time the matter would revert to Part III adjudicative status unless a settlement has been approved by the Commission or an extension of such time period has been authorized by the Commission.

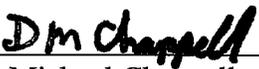
The parties state that the proposed consent agreement contemplates a remedy that completely restores the competition that was alleged to have been eliminated by the acquisition. As a result, Complaint Counsel and Respondent assert that there now exists a "reasonable possibility of settlement," and further move, pursuant to Rule 3.25(c) of the Commission's Rules of Practice, that the Administrative Law Judge certify this motion and the proposed agreement to the Commission.

Rule 3.25(c) of the Commission's Rules of Practice states: "If a consent proposal is not in the form of a consent agreement executed by a respondent, does not otherwise conform to § 2.32, or has not been executed by complaint counsel, and the matter is pending before the Administrative Law Judge, he or she 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 Complaint Counsel’s and Respondent’s joint motion, there is a reasonable possibility of settlement. Accordingly, pursuant to Rule 3.25(c), the parties’ motion is certified to the Commission. This certification is without recommendation.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: August 10, 2009