

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Jon Leibowitz, Chairman**
 J. Thomas Rosch
 Edith Ramirez
 Julie Brill
 Maureen K. Ohlhausen

)	
In the Matter of)	
)	
Reading Health System,)	
a corporation, and)	Docket No. 9353
)	
Surgical Institute of Reading,)	
a limited partnership.)	
)	
)	

ORDER DISMISSING COMPLAINT

On November 16, 2012, the Federal Trade Commission issued the Administrative Complaint in this matter, having reason to believe that the proposed acquisition of Surgical Institute of Reading (“SIR”) by Reading Health System (“Reading”), if consummated, would violate Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45, and Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18. Complaint Counsel and Respondents have now filed a Joint Motion to Dismiss Complaint, which states that Respondents have abandoned the proposed acquisition of SIR by Reading, and have committed to provide notice to Commission staff 30 days prior to consummating any transaction between the Respondents.¹

The Commission has determined to dismiss the Administrative Complaint without prejudice, as the most important elements of the relief set out in the Notice of Contemplated Relief in the Administrative Complaint have been accomplished without the need for further

¹ See Joint Motion To Dismiss Complaint (November 30, 2012), at <http://www.ftc.gov/os/adjpro/d9353/121130jointmodismisscmplt.pdf>.

administrative litigation.² In particular, Respondents have abandoned the proposed acquisition and have bound themselves to provide prior notice in the future, rendering them unable to effect the proposed transaction without first providing 30 days' notice to Commission staff.

For the foregoing reasons, the Commission has determined that the public interest warrants dismissal of the Administrative Complaint in this matter. The Commission has determined to do so without prejudice, however, because it is not reaching a decision on the merits. Accordingly,

IT IS ORDERED THAT the Administrative Complaint in this matter be, and it hereby is, dismissed without prejudice.

By the Commission, Commissioner Rosch abstaining.

Donald S. Clark
Secretary

SEAL
ISSUED: December 7, 2012

² See, e.g., *In the Matter of Omnicare, Inc.*, Docket No. 9352, Order Dismissing Complaint (February 22, 2012), at <http://www.ftc.gov/os/adjpro/d9352/120223omnicareorder.pdf>; *In the Matter of Thoratec Corporation and HeartWare International, Inc.*, Docket No. 9339, Order Dismissing Complaint (August 11, 2009), at <http://www.ftc.gov/os/adjpro/d9339/090811thoatecorder.pdf>.