

ORIGINAL

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



In the Matter of)
)
Phoebe Putney Health System, Inc.)
a corporation, and)
)
Phoebe Putney Memorial Hospital, Inc.)
a corporation, and)
)
HCA Inc.)
a corporation, and)
)
Palmyra Park Hospital, Inc.)
a corporation, and)
)
Hospital Authority of Albany-Dougherty County)
_____)

PUBLIC

Docket No. 9348

**UNOPPOSED MOTION TO EXTEND THE TIME FOR AETNA INC.
TO FILE A MOTION TO QUASH, OR IN THE ALTERNATIVE
TO LIMIT, SUBPOENA DUCES TECUM**

Non-party Aetna Inc., by and through its attorneys, hereby moves pursuant to Rules 3.22, 3.34, and 4.3(b) of the Federal Trade Commission’s Rules of Practice for Adjudicative Proceedings to extend the deadline for moving to quash or limit the subpoena *duces tecum* (the “Subpoena”) issued to it in this proceeding on April, 26, 2013. Aetna seeks a brief extension of the deadline for filing a motion to quash or limit the Subpoena from May 13, 2013 to May 17, 2013. Counsel for Respondents Phoebe Putney Memorial Hospital, Inc., Phoebe Putney Health System, Inc., and Hospital Authority of Albany-Dougherty County (collectively, “Respondents”), who issued the Subpoena, has been consulted regarding this motion and does not oppose the requested relief.

The Subpoena seeks a broad range of documents and, as drafted, will require Aetna to collect, review, process, and produce an enormous volume of data by May 21, 2013. Aetna is in the process of negotiating with Respondents' counsel over the breadth of the Subpoena, and its objections thereto, in a good faith effort to comply with its obligations while reducing the burden imposed by the Subpoena. Although Aetna and Respondents have not yet reached an agreement, discussions thus far have been fruitful. Respondents do not oppose an extension of time through May 17, 2013 in order to afford Aetna and Respondents time to continue to negotiate the scope of the Subpoena. An extension will potentially avoid the necessity of filing a motion to quash or limit the Subpoena.

Accordingly, Aetna respectfully requests that its Unopposed Motion to Extend the Time for Aetna Inc. to File a Motion to Quash, or in the Alternative to Limit, Subpoena *Duces Tecum* be granted and that Aetna be given until May 17, 2013 to file any such motion. A proposed order granting the requested relief is attached hereto as Exhibit A.

Dated: May 9, 2013

Respectfully Submitted,

/s/ Kerry M. Mustico

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Attorneys for Aetna Inc.

CERTIFICATE OF SERVICE

I hereby certify that this 9th day of May, 2013, a true and correct copy of the foregoing **UNOPPOSED MOTION TO EXTEND THE TIME FOR AETNA INC. TO FILE A MOTION TO QUASH, OR IN THE ALTERNATIVE TO LIMIT, SUBPOENA DUCES TECUM** was electronically filed with the Federal Trade Commission using the FTC E-File system which will automatically send e-mail notification of such filing to:

Donald S. Clark
Secretary
Federal Trade Commission
Room H113
600 Pennsylvania Avenue, NW
Washington, D.C. 20580
dclark@ftc.gov

I also certify that I delivered a copy of the foregoing via electronic mail and hand delivery to:

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
Room H110
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/s/ Kerry M. Mustico

Kerry M. Mustico

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

Dated: May 9, 2013

/s/ Kerry M. Mustico

Kerry M. Mustico

EXHIBIT A

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

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Palmyra Park Hospital, Inc.)	
a corporation, and)	
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Hospital Authority of Albany-Dougherty County)	
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**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION TO EXTEND
THE TIME FOR AETNA INC. TO FILE A MOTION TO QUASH,
OR IN THE ALTERNATIVE TO LIMIT, SUBPOENA DUCES TECUM**

Non-party Aetna Inc. filed an Unopposed Motion to Extend the Time to File a Motion to Quash, or in the Alternative to Limit, Subpoena *Duces Tecum* issued by Phoebe Putney Health System, Inc., Phoebe Putney Memorial Hospital, Inc., and Hospital Authority of Albany-Dougherty County (“Respondents”) on or about April 26, 2013. Aetna requests an extension to and including May 17, 2013 to file any such motion to quash or limit. Aetna’s motion for extension is not opposed by Respondents. Having considered the motion, it is

GRANTED; and

IT IS HEREBY ORDERED that the deadline for Aetna to file a Motion to Quash or Limit the Subpoena *Duces Tecum* issued to Aetna is extended to and including May 17, 2013.

Signed this ____ day of May, 2013.

D. Michael Chappell
Administrative Law Judge