

# 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 COVENTRY HEALTH CARE OF GEORGIA, INC. TO FILE A MOTION TO QUASH, OR IN THE ALTERNATIVE TO LIMIT, SUBPOENA DUCES TECUM**

Non-party Coventry Health Care of Georgia, Inc. (“Coventry”), 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. Coventry 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 Coventry to collect, review, process, and produce an enormous volume of data by May 21, 2013. Coventry 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 Coventry 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 Coventry 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, Coventry respectfully requests that its Unopposed Motion to Extend the Time for Coventry to File a Motion to Quash, or in the Alternative to Limit, Subpoena *Duces Tecum* be granted and that Coventry 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

Kerry M. Mustico  
Crowell & Moring LLP  
1001 Pennsylvania Ave., NW  
Washington, DC 20004-2595  
Telephone: (202) 624-2500  
Facsimile: (202) 628-5116

*Attorney for Coventry Health Care of Georgia, 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 COVENTRY HEALTH CARE OF GEORGIA, 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  
600 Pennsylvania Avenue, NW  
Washington, D.C. 20580  
oalj@ftc.gov

and by electronic mail and first-class mail to:

John J. Fedele, Esq.  
Baker & McKenzie LLP  
815 Connecticut Avenue, NW  
Washington, DC 20006  
[john.fedele@bakermckenzie.com](mailto:john.fedele@bakermckenzie.com)

Lee K. Van Voorhis, Esq.  
Baker & McKenzie LLP  
815 Connecticut Avenue, NW  
Washington, DC 20006  
[lee.vanvoorhis@bakermckenzie.com](mailto:lee.vanvoorhis@bakermckenzie.com)

Maria M. DiMoscato, Esq.  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
[mdimoscato@ftc.gov](mailto:mdimoscato@ftc.gov)

Sara Y. Razi, Esq.  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
[srazi@ftc.gov](mailto:srazi@ftc.gov)

Christopher Abbott, Esq.  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
[cabbott@ftc.gov](mailto:cabbott@ftc.gov)

Lucas Ballet, Esq.  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
[lballet@ftc.gov](mailto:lballet@ftc.gov)

Amanda Lewis, Esq.  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
[alewisl@ftc.gov](mailto:alewisl@ftc.gov)

Douglas Litvack, Esq.  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
[dlitvack@ftc.gov](mailto:dlitvack@ftc.gov)

Emmet J. Bondurant, Esq.  
[Bondurant@bmelaw.com](mailto:Bondurant@bmelaw.com)  
Michael A. Caplan, Esq.  
[caplan@bmelaw.com](mailto:caplan@bmelaw.com)  
Ronan A. Doherty, Esq.  
[doherty@braelaw.com](mailto:doherty@braelaw.com)  
Frank M. Lowrey, Esq.  
[lowrey@bmelaw.com](mailto:lowrey@bmelaw.com)  
Bondurant, Mixson & Elmore, LLP  
1201 West Peachtree St. N.W., Suite 3900  
Atlanta, GA 30309

Kevin J. Arquit, Esq.  
[karquit@stblaw.com](mailto:karquit@stblaw.com)  
Jennifer Rie, Esq.  
[jrie@stblaw.com](mailto:jrie@stblaw.com)  
Aimee H. Goldstein, Esq.  
[agoldstein@stblaw.com](mailto:agoldstein@stblaw.com)  
Simpson Thacher and Bartlett, LLP  
425 Lexington Avenue  
New York, NY 10017

Robert J. Baudino, Esq.  
[baudino@baudino.com](mailto:baudino@baudino.com)  
Amy McCullough, Esq.  
[McCullough@baudino.com](mailto:McCullough@baudino.com)  
Karin A. Middleton, Esq.  
[middleton@baudino.com](mailto:middleton@baudino.com)  
David J. Darrell, Esq.  
[Darrell@baudino.com](mailto:Darrell@baudino.com)  
Baudino Law Group, PLC  
2409 Westgate Drive  
Albany, Georgia 31707

*/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**

_____ )	
In the Matter of )	<b>PUBLIC</b>
Phoebe Putney Health System, Inc. )	
a corporation, and )	
Phoebe Putney Memorial Hospital, Inc. )	
a corporation, and )	Docket No. 9348
HCA Inc. )	
a corporation, and )	
Palmyra Park Hospital, Inc. )	
a corporation, and )	
Hospital Authority of Albany-Dougherty County )	
_____ )	

**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION TO EXTEND THE TIME  
FOR COVENTRY HEALTH CARE OF GEORGIA, INC. TO FILE A MOTION TO  
QUASH, OR IN THE ALTERNATIVE TO LIMIT, SUBPOENA DUCES TECUM**

Non-party Coventry Health Care of Georgia, Inc. (“Coventry”) 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. Coventry requests an extension to and including May 17, 2013 to file any such motion to quash or limit. Coventry’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 Coventry to file a Motion to Quash or Limit the Subpoena *Duces Tecum* the Respondents issued to Coventry is extended to and including May 17, 2013.

Signed this \_\_\_\_ day of May, 2013.

---

D. Michael Chappell  
Administrative Law Judge