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* Associated Firm

May 24, 2013

Donald S. Clark
Secretary
Federal Trade Commission
Room H113
600 Pennsylvania Avenue, NW
Washington, DC 20580

Via Courier

In the Matter of Phoebe Putney Health System Inc., et. al., FTC Docket 9348

Dear Secretary Clark:

Enclosed are copies of Complaint Counsel and Respondents' Joint Motion for Extension of Certain Pre-Hearing Deadlines filed electronically today in the above-captioned matter.

Please acknowledge your receipt of this letter and the delivery of the enclosed submission.

Best regards,

Jeremy W. Cline, Esq.
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Enclosures

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

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

Docket No. 9348



JOINT MOTION FOR EXTENSION OF CERTAIN PRE-HEARING DEADLINES

Pursuant to Rules 3.22 and 4.3(b) of the Rules of Practice of the Federal Trade Commission (“FTC Rules”), 16 C.F.R. §§ 3.22, 4.3(b), Complaint Counsel, Respondents Phoebe Putney Health System, Inc. and Phoebe Putney Memorial Hospital, Inc., and Respondent Hospital Authority of Albany-Dougherty County (collectively the “Parties”) jointly request an Order extending certain deadlines in the Revised Scheduling Order in the above-captioned matter. In support of this motion, the Parties state as follows:

1. On April 4, 2013, this Court issued a Revised Scheduling Order in this action, which established certain pre-hearing deadlines.

2. Since that time, the Parties have been conducting discovery, including but not limited to issuing and responding to interrogatories, requesting and producing documents, and taking third-party depositions.

3. Currently, the close of non-expert discovery is set for May 29, 2013.

4. Respondents Phoebe Putney Health System, Inc. and Phoebe Putney Memorial Hospital, Inc. (collectively "Phoebe") have produced a large volume of documents during the course of discovery and anticipate producing additional documents prior to the May 29 discovery deadline.

5. Complaint Counsel has expressed a preference to review Phoebe's documents in advance of depositions of Phoebe personnel, which have not yet taken place.

6. The Parties have therefore, by mutual agreement, scheduled the depositions of six Phoebe personnel, and Phoebe's Rule 3.33 designee(s), during the seven business days immediately following the May 29 deadline. Specifically, depositions of these witnesses have been set between May 30 and June 7.

7. In order to accommodate these depositions, the Parties therefore respectfully request the following modest revisions to the Revised Scheduling Order:

- a. Move from May 29, 2013 to June 7, 2013 the deadline for close of discovery, other than discovery permitted under Rule 3.24(a)(4), depositions of experts, and discovery for purposes of authenticity and admissibility of exhibits;
- b. Move from May 29, 2013 to June 3, 2013 the deadline for filing "[m]otions to dismiss filed before the evidentiary hearing, motions to strike, and motions for summary decision" pursuant to Rule 3.22(a);

- c. Move from June 7, 2013 to June 12, 2013 the deadline for Complaint Counsel to provide expert witness reports;
- d. Move from June 11, 2013 to June 13, 2013 the deadline for Complaint Counsel to provide to Respondents' Counsel its final proposed witness and exhibit lists;
- e. Move from June 25, 2013 to June 27, 2013 the deadline for Respondents' Counsel to provide to Complaint Counsel their final proposed witness and exhibit lists; and
- f. Move from June 28, 2013 to July 1, 2013 the deadline for Respondents' Counsel to provide expert witness reports.

8. Complaint Counsel has further agreed to defer the depositions of six additional Phoebe witnesses whose depositions had previously been noticed. Phoebe has agreed that it will not call any of these six Phoebe employees as witnesses during the hearing in this matter without first giving Complaint Counsel the opportunity to depose them.

9. This motion is brought jointly by agreement of the Parties.

WHEREFORE, the Parties respectfully request that the ALJ enter an Order revising the Revised Scheduling Order as set forth in this motion. A proposed order is attached hereto for the convenience of the ALJ.

Dated: May 24, 2013

Respectfully submitted,

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*Counsel for Hospital Authority
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UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

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

[PROPOSED] ORDER

Having reviewed the Joint Motion for Extension of Certain Pre-Hearing Deadlines, it is hereby

ORDERED that the deadline for close of discovery, other than discovery permitted under Rule 3.24(a)(4), depositions of experts, and discovery for purposes of authenticity and admissibility of exhibits, be moved to June 7, 2013;

ORDERED that the deadline for filing “[m]otions to dismiss filed before the evidentiary hearing, motions to strike, and motions for summary decision” pursuant to Rule 3.22(a) be moved to June 3, 2013;

ORDERED that the deadline for Complaint Counsel to provide expert witness reports be moved to June 12, 2013;

ORDERED that the deadline for Complaint Counsel to provide to Respondents' Counsel its final proposed witness and exhibit lists be moved to June 13, 2013;

ORDERED that the deadline for Respondents' Counsel to provide to Complaint Counsel their final proposed witness and exhibit lists be moved to June 27, 2013;

ORDERED that the deadline for Respondents' Counsel to provide expert witness reports be moved to July 1, 2013; and

ORDERED that Respondents Phoebe Putney Health System, Inc. and Phoebe Putney Memorial Hospital, Inc. (collectively "Phoebe") shall not be permitted to call as hearing witnesses any of the six Phoebe personnel whose depositions were noticed but deferred by Complaint Counsel, without first providing Complaint Counsel the opportunity to depose said witnesses on a mutually agreeable date.

Dated:

D. Michael Chappell
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that this 24th day of May, 2013 a true and correct copy of the foregoing PUBLIC document was filed via FTC e-file, which will send notification of such filing to:

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

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

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
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600 Pennsylvania Avenue, NW
Washington, DC 20580

and by electronic mail to the following:

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This 24th day of May, 2013.

/s/ Jeremy W. Cline
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*Counsel for Phoebe Putney Memorial
Hospital, Inc. and Phoebe Putney Health
System, Inc.*

CERTIFICATE FOR ELECTRONIC FILING

I 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.

May 24, 2013

By:

/s/ Jeremy W. Cline
Jeremy W. Cline, Esq.
*Counsel for Phoebe Putney Memorial
Hospital, Inc. and Phoebe Putney Health
System, Inc.*