

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
PUBLIC VERSION

RESPONDENTS’ MOTION TO EXTEND DEADLINE TO FILE A MOTION TO COMPEL HUMANA TO COMPLY WITH SUBPOENA DUCES TECUM

Pursuant to Federal Trade Commission Rule of Practice 3.22, 3.38, and 4.3(b) of the Federal Trade Commission’s (“FTC” or “Commission”) Rules of Practice for Adjudicative Proceedings (“FTC Rules of Practice”), Respondents Phoebe Putney Memorial Hospital, Inc. and Phoebe Putney Health System, Inc. (“Respondents”) hereby moves to extend the deadline for filing a motion to compel Humana to comply with its subpoena *duces tecum*. This motion seeks a brief extension of the current deadline for filing such a motion, from May 28, 2013, to through and including May 31, 2013. Respondents’ counsel has not been able to ascertain the position of Humana’s counsel regarding this motion.

Respondents previously served a subpoena *duces tecum* on Humana on April 26, 2013, with a production date of May 21, 2013. Although Humana has not complied with the terms of the subpoena to date, Respondents and Humana are seeking to finalize an agreement that will result in production by May 31, 2013. By delaying the filing of a motion to compel, Respondents seek to conserve judicial resources and avoid litigating matters that can be settled amicably between Respondents and Humana.

For the reason stated, Respondents respectfully request that a brief extension on the time to file be granted.

Dated: May 28, 2013

Respectfully submitted,

By /s/ John J. Fedele
John J. Fedele, Esq.
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*Counsel For Phoebe Putney Memorial
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System, Inc.*

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Palmyra Park Hospital, Inc.)	
a corporation, and)	
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Hospital Authority of Albany-Dougherty County)	

[PROPOSED] ORDER

Having reviewed Respondents’ Motion to Extend Deadline to File a Motion to Compel Humana to Comply with Subpoena *Duces Tecum*, it is hereby

ORDERED that Respondents’ Motion to Extend Deadline to File a Motion to Compel Humana to Comply with Subpoena *Duces Tecum* is GRANTED, and, it is further

ORDERED that Respondents shall file any Motion to Compel Humana to Comply with Subpoena *Duces Tecum* no later than May 31, 2013.

D. Michael Chappell
Chief Administrative Law Judge

Dated:

CERTIFICATE OF SERVICE

I hereby certify that this 28th day of May, 2013, I filed the foregoing **MOTION TO EXTEND DEADLINE TO FILE A MOTION TO COMPEL HUMANA TO COMPLY WITH SUBPOENA *DUCES TECUM*** via FTC e-file, with the paper original and a true and correct copy of the paper original via hand delivery 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 **MOTION TO EXTEND DEADLINE TO FILE A MOTION TO COMPEL HUMANA TO COMPLY WITH SUBPOENA *DUCES TECUM*** to:

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
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600 Pennsylvania Avenue, NW
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and by electronic mail to the following:

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This 28th day of May, 2013.

/s/ Jeremy Cline
Jeremy Cline, Esq.
*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 28, 2013

By:

/s/ Jeremy W. Cline

Jeremy W. Cline, Esq.

*Counsel for Phoebe Putney Memorial
Hospital, Inc. and Phoebe Putney Health
System, Inc.*