

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

COMMISSIONERS: **Edith Ramirez, Chairwoman**
 Julie Brill
 Maureen K. Ohlhausen
 Terrell McSweeney

In the Matter of)	
)	
)	
Cabell Huntington Hospital, Inc.)	Docket No. 9366
a corporation;)	
)	
Pallottine Health Services, Inc.)	PUBLIC
a corporation;)	
)	
and)	
)	
St. Mary’s Medical Center, Inc.)	
a corporation.)	

**ORDER WITHDRAWING MATTER FROM ADJUDICATION
FOR THIRTY DAYS**

On November 5, 2015, the Commission issued an administrative complaint alleging that an agreement among Respondents Cabell Huntington Hospital, Inc.; Pallottine Health Services, Inc.; and St. Mary’s Medical Center, Inc. (“Respondents”) – pursuant to which Cabell Huntington Hospital would acquire all the assets of St. Mary’s Medical Center – violates Section 5 of the FTC Act, 15 U.S.C. § 45, and that if the acquisition were consummated, it would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the FTC Act. In accordance with Commission Rule 3.11(b)(4), the administrative complaint provides that the evidentiary hearing shall begin on April 5, 2016.

On March 16, 2016, Complaint Counsel and Respondents filed a Joint Expedited Motion (“Joint Motion”) to withdraw this matter from adjudication for thirty days, or in the alternative, to delay the commencement of the administrative evidentiary hearing until at least April 26, 2016. The Parties represent that legislation recently passed by the West Virginia legislature and now signed by the Governor of West Virginia “raises significant new issues about whether the Transaction may become immune from federal antitrust law” and “potentially creates a defense for Respondents that did not exist at the time the Commission voted to initiate the Part 3 action.” Joint Motion at 5.

In light of those developments, Complaint Counsel and Respondents believe that there is good cause for the Commission to remove this matter from adjudication for thirty days. They argue that withdrawing the matter from adjudication will enable the Commission to review the legislation – and to hear from both Complaint Counsel and Respondents as to the relevance of the legislation to this proceeding – prior to “the expenditure of significant Commission, party, and third-party resources attendant to pre-trial preparations and the start of a full trial on the merits.” Joint Motion at 5.

The Commission is committed to moving forward as expeditiously as possible with adjudicative proceedings.¹ We have determined, however, that withdrawing this matter from adjudication for a short period of time – in conjunction with the Respondents’ agreement not to consummate the proposed acquisition during that period (*see* Joint Motion at 2) – will give us an opportunity to evaluate the impact, if any, of the state legislation without any adverse effects on competition or consumer interests. We therefore find there is good cause to withdraw this matter from adjudication for thirty days. Accordingly,

IT IS HEREBY ORDERED that this matter in its entirety be, and it hereby is, withdrawn from adjudication, and that all proceedings before the Administrative Law Judge are hereby stayed, until 11:59 p.m. EDT on April 25, 2016.

By the Commission.

Donald S. Clark
Secretary

SEAL:
ISSUED: March 24, 2016

¹ *See In re Advocate Health Care Network*, Docket No. 9369, Order Denying Motion To Stay the Evidentiary Hearing (March 18, 2016); Rule 3.1, 16 C.F.R. § 3.1 (“[T]he Commission’s policy is to conduct [adjudicative] proceedings expeditiously.”); Rule 3.41(b), 16 C.F.R. § 3.41(b) (“Hearings shall proceed with all reasonable expedition . . .”).