

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



_____)
In the Matter of)
)
Cabell Huntington Hospital, Inc.)
a corporation,)
)
Pallottine Health Services, Inc.)
a corporation, and)
)
St. Mary's Medical Center, Inc.)
a corporation,)
)
Respondents.)
_____)

DOCKET NO. 9366

**ORDER GRANTING JOINT MOTION FOR LEAVE TO ISSUE
SUBPOENAS TO THIRD PARTY AND TO TAKE DISCOVERY
AFTER DEADLINES IN SCHEDULING ORDER**

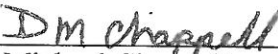
On January 25, 2016, Federal Trade Commission Complaint Counsel and Respondents filed a Joint Motion for Leave to Issue Subpoenas to Third Party and to Take Discovery After Deadlines in the Scheduling Order (“Joint Motion”). The parties seek leave to serve subpoenas *duces tecum* on a third-party witness after the January 6, 2016 deadline, and, if necessary, to depose this third party after the February 10, 2016 close of fact discovery deadline.

The parties state that they have agreed that Complaint Counsel may substitute Thomas Health System, Inc. (“Thomas Health”) for another third party currently on Complaint Counsel’s preliminary witness list, and that the discovery requests to Thomas Health may be served at this time. The parties further state that Thomas Health does not object to being served with these subpoenas or to appear for a deposition after the close of discovery, but it reserves the right to object to specific discovery requests.

Pursuant to Commission Rule 3.21(c)(2), “[t]he Administrative Law Judge may, upon a showing of good cause, grant a motion to extend any deadline or time specified in [the] scheduling order other than the date of the evidentiary hearing.” 16 C.F.R. § 3.21(c)(2). As noted in the Joint Motion, the parties have not previously sought any extensions of time for discovery directed to this third party. Furthermore, the requested extensions do not affect other deadlines in the Scheduling Order.

Based on all of the foregoing, there is good cause to grant the Joint Motion. Accordingly, the Joint Motion is GRANTED, and it is hereby ORDERED that the parties may issue subpoenas *duces tecum* to third party Thomas Health after the January 6, 2016 deadline, and, if necessary, to depose this third party after the February 10, 2016 close of fact discovery deadline.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: January 28, 2016