

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

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

In the Matter of	)	
	)	
The Penn State Hershey Medical	)	Docket No. 9368
Center,	)	
a corporation;	)	
	)	
and	)	
	)	
PinnacleHealth System,	)	
a corporation.	)	
	)	

**ORDER GRANTING CONTINUANCE**

The evidentiary hearing in this administrative proceeding is scheduled to commence on June 21, 2016, following the grant of a prior continuance. The Commission granted that continuance to enable Complaint Counsel and Respondents to determine how to proceed in this adjudication in light of developments in the companion federal court litigation.<sup>1</sup> In particular, the Commission appealed the federal district court’s denial of the Commission’s motion for a preliminary injunction to the U.S. Court of Appeals for the Third Circuit and sought an emergency injunction pending appeal. The Third Circuit granted the emergency injunction on May 24, 2016, and the appeal is pending.<sup>2</sup> Complaint Counsel and Respondents now jointly request that the Commission continue the hearing date until 21 days after the Third Circuit rules on the Commission’s appeal and grant a corresponding extension of all pre-hearing deadlines.<sup>3</sup>

Respondents state that, if the Third Circuit grants the Commission’s appeal, they will abandon the merger and that, if the appeal is denied, they will file a motion pursuant to Commission Rule 3.26 to withdraw this matter from adjudication, pending further action by the Commission. The parties also note that, if the evidentiary hearing is to begin on June 21, trial preparations will require both the parties and numerous non-parties to expend significant resources over the next several weeks.

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<sup>1</sup> *Penn State Hershey Med. Ctr.*, Docket No. 9368, Commission Order Granting Continuance (May 26, 2016), <https://www.ftc.gov/system/files/documents/cases/160526pennstateorder.pdf>.  
<sup>2</sup> *Fed. Trade Comm’n v. Penn State Hershey Med. Ctr.*, No. 16-2365, Order (3d Cir. May 18, 2016).  
<sup>3</sup> *Penn State Hershey Med. Ctr.*, Docket No. 9368, Joint Expedited Motion for Continuance of the Administrative Hearing (May 27, 2016).

In light of the foregoing, we find that there is good cause to grant the requested continuance. Accordingly,

**IT IS HEREBY ORDERED** that the evidentiary hearing shall commence 21 days after the United States Court of Appeals for the Third Circuit renders its judgment on the Commission's appeal, and that all pre-hearing deadlines shall be extended until after the Court of Appeals renders its judgment, as determined by the Administrative Law Judge.

By the Commission.

Donald S. Clark  
Secretary

SEAL:  
ISSUED: June 10, 2016