

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

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

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

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**ORDER GRANTING CONTINUANCE**

On September 27, 2016, the Court of Appeals for the Third Circuit issued its Opinion and Judgment directing the District Court for the Middle District of Pennsylvania to preliminarily enjoin the merger between Penn State Hershey Medical Center and PinnacleHealth System, pending the outcome of this administrative proceeding.<sup>1</sup> In light of prior Commission orders, the administrative hearing was therefore scheduled to commence on October 18.

Complaint Counsel and Respondents now request that the Commission continue the administrative hearing for one week and grant a corresponding extension of all pre-hearing deadlines.<sup>2</sup> Hershey represents that it needs additional time to allow its board of directors to determine whether to continue pursuing the merger following the Third Circuit’s ruling. The parties state that a one-week continuance will give Respondents sufficient time to finalize their decision and may obviate the expenditure of unnecessary resources in preparation for the hearing in this matter, without imposing any countervailing harms.

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<sup>1</sup> *Fed. Trade Comm’n v. Penn State Hershey Med. Ctr.*, --- F.3d ---, 2016 WL 5389289 (3d Cir. Sept. 27, 2016), at <https://www.ftc.gov/system/files/documents/cases/160927pinnacledecision.pdf>.

<sup>2</sup> *Penn State Hershey Med. Ctr.*, Docket No. 9368, Joint Expedited Motion for Continuance of the Administrative Hearing (Oct. 11, 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 on October 25, 2016, and that all pre-hearing deadlines shall be extended until October 24, 2016.

By the Commission.

April J. Tabor  
Acting Secretary

SEAL:  
ISSUED: October 14, 2016