

**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 DISMISSING COMPLAINT

On December 7, 2015, the Commission issued an administrative complaint alleging that a merger agreement between the Respondents to combine Penn State Hershey Medical Center and Pinnacle Health System violated Section 5 of the Federal Trade Commission Act, and, if consummated, would violate Section 7 of the Clayton Act and Section 5 of the FTC Act. Complaint Counsel and Respondents now jointly seek dismissal of the Complaint, on the ground that the Respondents have ended their efforts to pursue the proposed merger and the Hart-Scott-Rodino filing for the proposed merger has expired.

The Commission has determined to dismiss the Complaint without prejudice in light of the foregoing. Respondents would not be able to effectuate the proposed merger without a new HSR filing. Dismissal of the Complaint would therefore be in accordance with the public interest.¹ Accordingly,

¹ See, e.g., *Superior Plus Corp.*, Docket No. 9371, Order Dismissing Complaint (August 2, 2016), available at <https://www.ftc.gov/system/files/documents/cases/160803superiorcanexuscmpt.pdf>; *Staples Inc.*, Docket No. 9367, Order Dismissing Complaint (May 18, 2016), available at <https://www.ftc.gov/system/files/documents/cases/160519staplesrorder.pdf>.

IT IS ORDERED THAT the Complaint in this matter be, and it hereby is, dismissed without prejudice.

By the Commission.

Donald S. Clark
Secretary

SEAL:

ISSUED: October 23, 2016