

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



\_\_\_\_\_) )  
In the Matter of ) ) PUBLIC  
) )  
Phoebe Putney Health System, Inc. ) )  
a corporation, and ) )  
) )  
Phoebe Putney Memorial Hospital, Inc. ) )  
a corporation, and ) ) Docket No. 9348  
) )  
HCA Inc. ) )  
a corporation, and ) )  
) )  
Palmyra Park Hospital, Inc. ) )  
a corporation, and ) )  
) )  
Hospital Authority of Albany-Dougherty County ) )  
\_\_\_\_\_)

**UNOPPOSED MOTION TO EXTEND THE TIME FOR AETNA INC. TO FILE A  
MOTION TO QUASH, OR IN THE  
ALTERNATIVE TO LIMIT, SUBPOENA DUCES TECUM**

Non-party Aetna Inc. (“Aetna”), by and through its attorneys, hereby moves pursuant to Rules 3.22, 3.34, and 4.3(b) of the Federal Trade Commission’s Rules of Practice for Adjudicative Proceedings to extend the deadline for moving to quash or limit the subpoena *duces tecum* (the “Subpoena”) issued to it in this proceeding on October 2, 2014. Aetna seeks a brief extension of the deadline for filing a motion to quash or limit the Subpoena from October 14, 2014 to October 27, 2014. Complaint Counsel, who issued the Subpoena, has been consulted regarding this motion and does not oppose the requested relief.

The Subpoena seeks a broad range of documents and, as drafted, will require Aetna to collect, review, process, and produce an enormous volume of data by October 31, 2014. Aetna is in the process of negotiating with Complaint Counsel over the breadth of the Subpoena, and its

objections thereto, in a good faith effort to comply with its obligations while reducing the burden imposed by the Subpoena. Complaint Counsel has been consulted regarding this motion and does not oppose the requested relief in order to afford Aetna and Complaint Counsel time to continue to negotiate the scope of the Subpoena. An extension will potentially avoid the necessity of filing a motion to quash or limit the Subpoena.

Accordingly, Aetna respectfully requests that its Unopposed Motion to Extend the Time for Aetna to File a Motion to Quash, or in the Alternative to Limit, Subpoena *Duces Tecum* be granted and that Aetna be given until October 27, 2014 to file any such motion. A proposed order granting the requested relief is attached hereto as Exhibit A.

Dated: October 14, 2014

Respectfully Submitted,

*/s/ Joshua C. Stokes*

---

Joshua C. Stokes  
Crowell & Moring LLP  
515 South Flower St. 40<sup>th</sup> Floor  
Los Angeles, CA 90071  
Telephone: (213) 622-4750  
Facsimile: (213) 622-2690

*Attorney for Aetna Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that this 14th day of October, 2014, a true and correct copy of the foregoing **UNOPPOSED MOTION TO EXTEND THE TIME FOR AETNA INC. TO FILE A MOTION TO QUASH, OR IN THE ALTERNATIVE TO LIMIT, SUBPOENA DUCES TECUM** was electronically filed with the Federal Trade Commission using the FTC E-File system which will automatically send e-mail notification of such filing to:

Donald S. Clark  
Secretary  
Federal Trade Commission  
Room H113  
600 Pennsylvania Avenue, NW  
Washington, D.C. 20580  
dclark@ftc.gov

I also certify that I delivered a copy of the foregoing via electronic mail and hand delivery to:

The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
Room H110  
600 Pennsylvania Avenue, NW  
Washington, D.C. 20580  
oalj@ftc.gov

and by electronic mail to:

John J. Fedele, Esq.  
Baker & McKenzie LLP  
815 Connecticut Avenue, NW  
Washington, DC 20006  
[john.fedele@bakermckenzie.com](mailto:john.fedele@bakermckenzie.com)

Lee K. Van Voorhis, Esq.  
Baker & McKenzie LLP  
815 Connecticut Avenue, NW  
Washington, DC 20006  
[lee.vanvoorhis@bakermckenzie.com](mailto:lee.vanvoorhis@bakermckenzie.com)

Maria M. DiMoscato, Esq.  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
[mdimoscato@ftc.gov](mailto:mdimoscato@ftc.gov)

Amanda Lewis, Esq.  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
[alewisl@ftc.gov](mailto:alewisl@ftc.gov)

Janet Kim, Esq.  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
[jkim3@ftc.gov](mailto:jkim3@ftc.gov)

Christopher Abbott, Esq.  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
[cabbott@ftc.gov](mailto:cabbott@ftc.gov)

Lucas Ballet, Esq.  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
[lballet@ftc.gov](mailto:lballet@ftc.gov)

Douglas Litvack, Esq.  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
[dlitvack@ftc.gov](mailto:dlitvack@ftc.gov)

Emmet J. Bondurant, Esq.  
[Bondurant@bmelaw.com](mailto:Bondurant@bmelaw.com)  
Michael A. Caplan, Esq.  
[caplan@bmelaw.com](mailto:caplan@bmelaw.com)  
Ronan A. Doherty, Esq.  
[doherty@braelaw.com](mailto:doherty@braelaw.com)  
Frank M. Lowrey, Esq.  
[lowrey@bmelaw.com](mailto:lowrey@bmelaw.com)  
Bondurant, Mixson & Elmore, LLP  
1201 West Peachtree St. N.W., Suite 3900  
Atlanta, GA 30309

Kevin J. Arquit, Esq.  
[karquit@stblaw.com](mailto:karquit@stblaw.com)  
Jennifer Rie, Esq.  
[jrie@stblaw.com](mailto:jrie@stblaw.com)  
Aimee H. Goldstein, Esq.  
[agoldstein@stblaw.com](mailto:agoldstein@stblaw.com)  
Simpson Thacher and Bartlett, LLP  
425 Lexington Avenue  
New York, NY 10017

Robert J. Baudino, Esq.  
[baudino@baudino.com](mailto:baudino@baudino.com)  
Amy McCullough, Esq.  
[McCullough@baudino.com](mailto:McCullough@baudino.com)  
Karin A. Middleton, Esq.  
[middleton@baudino.com](mailto:middleton@baudino.com)  
David J. Darrell, Esq.  
[Darrell@baudino.com](mailto:Darrell@baudino.com)  
Baudino Law Group, PLC  
2409 Westgate Drive  
Albany, Georgia 31707

*/s/ Joshua C. Stokes*  

---

Joshua C. Stokes

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

Dated: October 14, 2014

*/s/ Joshua C. Stokes*  
\_\_\_\_\_  
Joshua C. Stokes

# **EXHIBIT A**

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

_____ )	
In the Matter of )	<b>PUBLIC</b>
Phoebe Putney Health System, Inc. )	
a corporation, and )	
Phoebe Putney Memorial Hospital, Inc. )	
a corporation, and )	Docket No. 9348
HCA Inc. )	
a corporation, and )	
Palmyra Park Hospital, Inc. )	
a corporation, and )	
Hospital Authority of Albany-Dougherty County )	
_____ )	

**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION TO EXTEND THE TIME  
FOR AETNA INC. TO FILE A MOTION TO QUASH, OR IN THE ALTERNATIVE TO  
LIMIT, SUBPOENA DUCES TECUM**

Non-party Aetna Inc. (“Aetna”) filed an Unopposed Motion to Extend the Time to File a Motion to Quash, or in the Alternative to Limit, Subpoena *Duces Tecum* issued by the Federal Trade Commission (“Complaint Counsel”) on or about October 2, 2014. Aetna requests an extension to and including October 27, 2014 to file any such motion to quash or limit. Aetna’s motion for extension is not opposed by Complaint Counsel. Having considered the motion, it is

GRANTED; and

IT IS HEREBY ORDERED that the deadline for Aetna to file a Motion to Quash or Limit the Subpoena *Duces Tecum* the Complaint Counsel issued to Aetna is extended to and

including October 27, 2014.

Signed this \_\_\_\_ day of October, 2014.

---

D. Michael Chappell  
Administrative Law Judge