

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



In the Matter of)

PHOEBE PUTNEY HEALTH)
SYSTEM, INC., and)

PHOEBE PUTNEY MEMORIAL)
HOSPITAL, INC., and)

PHOEBE NORTH, INC., and)

HCA INC., and)

PALMYRA PARK HOSPITAL, INC., and)

HOSPITAL AUTHORITY OF,)
ALBANY-DOUGHERTY COUNTY,)

Respondents.)
_____)

DOCKET NO. 9348
PUBLIC DOCUMENT

**UNOPPOSED MOTION TO EXTEND THE TIME TO FILE A MOTION TO QUASH,
OR IN THE ALTERNATIVE TO LIMIT, SUBPOENAS SERVED ON NON-PARTIES
INDEPENDENT DOCTORS OF GEORGIA, INC., DR. J. PRICE CORR, JR., ALBANY
SURGICAL, PC, DR. JOSEPH W. STUBBS, ALBANY INTERNAL MEDICINE, PC, G.
EDWARD ALEXANDER, NORTH ALBANY MEDICAL CENTER, LLC, VICTOR
MOLDOVAN AND MCGUIREWOODS, LLP**

Non-parties Independent Doctors of Georgia, Inc., North Albany Medical Center, LLC,
G. Edward Alexander, Dr. J. Price Corr, Jr., Albany Surgical, PC, Dr. Joseph W. Stubbs, Albany
Internal Medicine, PC, McGuireWoods, LLP and Victor Moldovan (collectively, the
“Subpoenaed Parties”), by and through their attorneys, hereby move pursuant to Rules 3.22,
3.34, and 4.3(b) of the Federal Trade Commission’s Rules of Practice for Adjudicative
Proceedings for an additional extension of time to move to quash or limit the deposition
subpoenas and subpoenas *duces tecum* (the “Subpoenas”) issued to them in this proceeding on

October 3, 2014, by Respondents Phoebe Putney Memorial Hospital, Inc. and Phoebe Putney Health Systems, Inc. (together, “Phoebe”).¹ The Subpoenaed Parties seek an additional brief extension of the deadline for filing a motion to quash or limit the Subpoenas from October 23, 2014 to October 31, 2014, because counsel for the Subpoenaed Parties have been in discussions with Counsel for Phoebe regarding the Subpoenas to determine whether any such motions will be necessary and what, if any, responses to the Subpoena will be necessary in light of Phoebe’s Unopposed Motion for Temporary Stay (“Motion to Stay”) and the issues raised in the Motion to Stay. Counsel for Phoebe has been consulted regarding this motion and does not oppose the requested relief.

In light of the Motion to Stay, an extension will potentially avoid the necessity of filing motions to quash or limit the Subpoenas, or otherwise obviate the need for the Subpoenaed Parties to respond to the Subpoenas. Additionally, even if the Motion to Stay does not result in a stay of the action prior to October 31, 2014, granting this extension will provide the Subpoenaed Parties with additional time to evaluate the Subpoenas to determine whether to file a motion to quash or limit any or all of the Subpoenas, and it will allow counsel for the Subpoenaed Parties further time to try to negotiate an understanding regarding responses to the Subpoenas. Respondent Phoebe does not oppose an extension of time through October, 31, 2014.

¹ On October 3, 2014, Respondent Phoebe served by registered mail the following subpoenas: Subpoena Duces Tecum served on Independent Doctors of Georgia, Inc.; Subpoena Ad Testificandum Deposition served on G. Edward Alexander, President and CEO of North Albany Medical Center, LLC; Subpoena Duces Tecum served on North Albany Medical Center, LLC; Subpoena Duce Tecum served on Albany Surgical, PC; Subpoena Ad Testificandum Deposition served on Dr. J. Price Corr, Jr.; Subpoena Duce Tecum served on Albany Internal Medicine, PC; Subpoena Ad Testificandum Deposition served on Dr. Joseph W. Stubbs; Subpoena Ad Testificandum Deposition served on Victor Moldovan; and Subpoena Duces Tecum served on McGuireWoods, LLP.

Accordingly, the Subpoenaed Parties respectfully request that this unopposed motion to extend the time for any of them to file a motion to quash or limit the Subpoenas be granted and that the Subpoenaed Parties be given until October 31, 2014 to file any such motion. A proposed order granting the requested relief is attached hereto as Exhibit A.

Respectfully submitted,

By: /s/ Stephen Allred
Stephen Allred

CERTIFICATE OF SERVICE AND FILING

I hereby certify that this 22nd day of October, 2014, a true and correct copies of the foregoing UNOPPOSED MOTION TO EXTEND THE TIME TO FILE A MOTION TO QUASH, OR IN THEALTERNATIVE TO LIMIT, SUBPOENAS SERVED ON NON-PARTIES INDEPENDENT DOCTORS OF GEORGIA, INC., DR. J. PRICE CORR, JR., ALBANY SURGICAL, PC, DR. JOSEPH W. STUBBS, ALBANY INTERNAL MEDICINE, PC, G. EDWARD ALEXANDER, NORTH ALBANY MEDICAL CENTER, LLC, VICTOR MOLDOVAN AND MCGUIREWOODS, LLP 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
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, N.W., Rm. H-1 59
Washington, D.C. 20580
secretary@ftc.gov

I hereby certify that on October 22, 2014, I caused to be delivered via electronic mail a PDF copy that is a true and correct copy of the original of the foregoing UNOPPOSED MOTION TO EXTEND THE TIME TO FILE A MOTION TO QUASH, OR IN THEALTERNATIVE TO LIMIT, SUBPOENAS to:

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, N. W.
Washington, D.C. 20580
oalj@ftc.gov

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This 22nd day of October, 2014

By: /s/ Stephen Allred
Stephen Allred

Attorney for Non-parties Independent Doctors of
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G. Edward Alexander, Dr. J. Price Corr, Jr., Albany
Surgical, PC, Dr. Joseph W. Stubbs, Albany
Internal Medicine, PC, McGuireWoods, LLP and
Victor Moldovan

EXHIBIT A

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

In the Matter of)	
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PHOEBE PUTNEY HEALTH)	
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Respondents.)	

**ORDER GRANTING
UNOPPOSED MOTION TO EXTEND THE TIME TO FILE A MOTION TO QUASH,
OR IN THE ALTERNATIVE TO LIMIT, SUBPOENAS SERVED ON NON-PARTIES
INDEPENDENT DOCTORS OF GEORGIA, INC., DR. J. PRICE CORR, JR., ALBANY
SURGICAL, PC, DR. JOSEPH W. STUBBS, ALBANY INTERNAL MEDICINE, PC, G.
EDWARD ALEXANDER, NORTH ALBANY MEDICAL CENTER, LLC,
VICTOR MOLDOVAN AND MCGUIREWOODS, LLP**

Before the Administrative Law Judge is the Unopposed Motion to Extend the Time to File a Motion to Quash, or in the alternative to Limit the Subpoenas that Respondents Phoebe Putney Memorial Hospital, Inc. and Phoebe Putney Health Systems, Inc. (together “Phoebe”) served on non-parties Independent Doctors of Georgia, Inc., North Albany Medical Center, LLC, G. Edward Alexander, Dr. J. Price Corr, Jr., Albany Surgical, PC, Dr. Joseph W. Stubbs, Albany Internal Medicine, PC, McGuireWoods, LLP and Victor Moldovan (collectively, the

“Subpoenaed Parties”) on or about October 3, 2014. The Subpoenaed Parties request an extension to and including October 31, 2014 to file any such motion to quash and/or limit. Having considered the motion, and the fact that it is unopposed by Phoebe, this Court finds that the motion should be, and hereby is, GRANTED.

IT IS THEREFORE ORDERED that the deadline for the Subpoenaed Parties to file any Motion to Quash and/or Limit the Subpoenas that Respondent Phoebe served on them is extended to and including October 31, 2014.

Signed this ____ day of October, 2014.

D. Michael Chappell
Chief Administrative Law Judge