

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



\_\_\_\_\_)  
In the Matter of )  
 )  
Phoebe Putney Health System, Inc. )  
a corporation, and )  
 )  
Phoebe Putney Memorial Hospital, Inc. )  
a corporation, and )  
 )  
HCA Inc. )  
a corporation, and )  
 )  
Palmyra Park Hospital, Inc. )  
a corporation, and )  
 )  
Hospital Authority of Albany-Dougherty County )  
\_\_\_\_\_)

PUBLIC

Docket No. 9348

**SECOND 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 further extend the deadline for moving to quash or limit the subpoena *duces tecum* (the “Subpoena”) issued by the Federal Trade Commission (“Complaint Counsel”) on or about October 2, 2014. Aetna seeks another brief extension of the deadline for filing a motion to quash or limit the Subpoena from October 27, 2014 to November 3, 2014. Complaint Counsel, who issued the Subpoena, have been consulted regarding this motion and do 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 and Aetna have had productive discussions about the scope of the Subpoena but have not yet been able to reach a full resolution of the issues. Furthermore, an extension may obviate the need to file a motion to quash or limit the Subpoena in light of Respondents' motion for a temporary stay pending a final Georgia Department of Community Health ("DCH") decision.<sup>1</sup>

Accordingly, Aetna respectfully requests that its Second 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 November 3, 2014 to file any such motion. A proposed order granting the requested relief is attached hereto as Exhibit A.

Dated: October 27, 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.*

---

<sup>1</sup> See Respondents' Unopposed Mot. For Temporary Stay, October 21, 2014, Docket No. 9348.

**CERTIFICATE OF SERVICE**

I hereby certify that this 27th day of October, 2014, a true and correct copy of the foregoing **SECOND 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)

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

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

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

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

Joshua Smith  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
[jsmith3@ftc.gov](mailto:jsmith3@ftc.gov)

Mark Seidman  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
[mseidman@ftc.gov](mailto:mseidman@ftc.gov)

Stelios Xenakis  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue NW  
Washington, DC 20580  
[sxenakis@ftc.gov](mailto:sxenakis@ftc.gov)

Michael A. Caplan, Esq.  
Caplan Cobb  
1447 Peachtree Street, N.E., Suite 880  
Atlanta, Georgia 30309  
[mcaplan@caplancobb.com](mailto:mcaplan@caplancobb.com)

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

*/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 27, 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 FOR AETNA INC. TO  
FURTHER EXTEND THE TIME 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 November 3, 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 November 3, 2014.

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

---

D. Michael Chappell  
Administrative Law Judge