

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, SUBPOENAS 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 subpoenas *duces tecum* (the “Subpoenas”) issued by Phoebe Putney Health System, Inc., Phoebe Putney Memorial Hospital, Inc., and Hospital Authority of Albany-Dougherty County (collectively, “Respondents”) on or about October 3, 2014. Aetna seeks another brief extension of the deadline for filing a motion to quash or limit the Subpoenas from October 27, 2014 to November 3, 2014. Counsel for Respondents, who issued the Subpoenas, have been consulted regarding this motion and do not oppose the requested relief.

The Subpoenas seek a broad range of documents and, as drafted, will require Aetna to collect, review, process, and produce an enormous volume of data. Aetna is in the process of negotiating with Respondents over the breadth of the Subpoenas, and its objections thereto, in a good faith effort to comply with its obligations while reducing the burden imposed by the Subpoenas. Respondents 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.¹

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, Subpoenas *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

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Attorney for Aetna Inc.

¹ 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, SUBPOENAS 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
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/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

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BEFORE THE FEDERAL TRADE COMMISSION**

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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, SUBPOENAS *DUCES TECUM***

Non-party Aetna Inc. (“Aetna”) filed a Second Unopposed Motion to Extend the Time to File a Motion to Quash, or in the Alternative to Limit, Subpoenas *Duces Tecum* issued by Phoebe Putney Health System, Inc., Phoebe Putney Memorial Hospital, Inc., and Hospital Authority of Albany-Dougherty County (“Respondents”) on or about October 3, 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 Respondents. 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 Subpoenas *Duces Tecum* the Respondents issued to Aetna is extended to and including November 3, 2014.

Signed this ____ day of October, 2014.

D. Michael Chappell
Administrative Law Judge