

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



_____)
In the Matter of)
)
Cabell Huntington Hospital, Inc.)
a corporation,)
)
Pallottine Health Services, Inc.)
a corporation, and)
)
St. Mary's Medical Center, Inc.)
a corporation,)
)
Respondents.)
_____)

DOCKET NO. 9366

**ORDER GRANTING JOINT MOTION FOR LEAVE TO SEEK
THIRD PARTY DISCOVERY AFTER THE CLOSE OF FACT DISCOVERY**

On January 5, 2016, Federal Trade Commission Complaint Counsel and Respondents filed a Joint Motion for Leave to Seek Third Party Discovery after the Close of Fact Discovery ("Joint Motion"). Pursuant to the Scheduling Order issued in this case, the close of fact discovery is February 10, 2016.

The parties state that two nonparties, United States Senator Joseph Manchin III and United States Congressman Evan H. Jenkins, have been named by Respondents in their Preliminary Witness List. The parties state that they wish to avoid burdening either Senator Manchin or Congressman Jenkins with any discovery until after the parties have completed all other fact discovery and Respondents have determined whether these two individuals will be included on their Final Proposed Witness List. Therefore, the parties seek an order granting the parties leave to seek discovery directed to these two nonparty witnesses after the close of fact discovery.

Pursuant to Commission Rule 3.21(c)(2), "[t]he Administrative Law Judge may, upon a showing of good cause, grant a motion to extend any deadline or time specified in [the] scheduling order other than the date of the evidentiary hearing." 16 C.F.R. § 3.21(c)(2). As noted in the Joint Motion, the parties have not previously sought any other extensions of the fact discovery deadline. Furthermore, the requested extension

does not affect other deadlines in the Scheduling Order.

Based on all of the foregoing, there is good cause to grant the Joint Motion. Accordingly, the Joint Motion is GRANTED, and it is hereby ORDERED, that the parties may seek to take discovery, pursuant to Rules 3.34 and 3.36, from nonparties Senator Joseph Manchin III and Congressman Evan H. Jenkins after the close of fact discovery. It is further ORDERED, that the parties may seek leave to serve subpoenas on Senator Joseph Manchin III and Congressman Evan H. Jenkins no later than seven days after service of Respondents' Final Proposed Witness List on March 6, 2016.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: January 5, 2016

Notice of Electronic Service

I hereby certify that on January 05, 2016, I filed an electronic copy of the foregoing Order Granting Joint Motion for Leave to Seek Third Party Discovery, , with:

D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., NW
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Donald Clark
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I hereby certify that on January 05, 2016, I served via E-Service an electronic copy of the foregoing Order Granting Joint Motion for Leave to Seek Third Party Discovery, , upon:

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