

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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FEDERAL TRADE COMMISSION, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 PROMEDICA HEALTH SYSTEM, INC., )  
 PARAMOUNT HEALTH CARE, & )  
 ST. LUKE'S HOSPITAL, )  
 )  
 Respondents. )

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Misc. No. 10 - mc - 0586 (RMC)

**██████████ ORDER TO SHOW CAUSE**

Pursuant to the authority conferred by Sections 9, 16, and 20 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 49, 56, 57b-1, and 28 U.S.C. § 1367(a), Petitioner, the Federal Trade Commission ("FTC" or "Commission"), has invoked the aid of this Court, pursuant to Fed. R. Civ. P. 81(a)(5), for an order requiring Respondents ProMedica Health System, Inc., Paramount Health Care, and St. Luke's Hospital to comply in full with the August 25, 2010, subpoenas *duces tecum* and civil investigative demands ("CIDs") issued to them in a merger investigation being conducted by the Commission (FTC File No. 101-0167).

The Court has considered the Emergency Petition of the Federal Trade Commission for an Order Enforcing Subpoenas *Duces Tecum* and Civil Investigative Demands Issued in a Merger Investigation and the papers filed in support thereof; and it appears to the Court that Petitioner has shown good cause for the entry of this Order. It is by this Court hereby

ORDERED that Respondents ProMedica Health System, Inc., Paramount Health Care, and St. Luke's Hospital appear at 2 pm on the 7<sup>th</sup> day of October, 2010, in Courtroom No. 2 of the United States Courthouse in Washington, D.C., and show cause, if any there be, why this Court should not grant said Petition and enter an Order enforcing the subpoenas and CIDs issued to Respondents and directing them to produce, no later than October 21, 2010, all responsive materials. Unless the Court determines otherwise, notwithstanding the filing or pendency of any procedural or other motions, all issues raised by the Petition and supporting papers, and any opposition to the Petition, will be considered at the hearing on the Petition, and the allegations of said Petition shall be deemed admitted unless controverted by a specific factual showing.

IT IS FURTHER ORDERED that, if Respondents believe it necessary for the Court to hear live testimony, they must file an affidavit reflecting such testimony (or, if a proposed witness is not available to provide such an affidavit, a specific description of the witness's proposed testimony) and explain why Respondents believe live testimony is required.


IT IS FURTHER ORDERED that, if Respondents intend to file pleadings, affidavits, exhibits, motions, or other papers in opposition to said Petition or to the entry of the Order requested therein, such papers must be filed with the Clerk, and served by hand or by email on Petitioner's counsel, no later than 9:30 a.m. on October 12, 2010. Any reply by Petitioner shall be filed with the Court, and served by email or by hand on Respondents' counsel, two (2) days after Respondents file their oppositions.

IT IS FURTHER ORDERED, pursuant to Fed. R. Civ. P. 81(a)(5), that this is a summary proceeding and that no party shall be entitled to discovery without further order of the Court upon a specific showing of need; and that the dates for a hearing and the filing of papers established by

this Order shall not be altered without prior order of the Court upon good cause shown; and

IT IS FURTHER ORDERED, pursuant to Fed. R. Civ. P. 81(a)(5), that a certified copy of this Order and copies of said Petition and memorandum in support thereof filed herein, be served forthwith by Petitioner upon Respondents or their counsel by personal service, or by overnight express delivery service.

SO ORDERED:

  
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United States District Judge

Dated: 4 Oct. 2010, Washington, D.C.