

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Lina Khan, Chair**
 Noah Joshua Phillips
 Rebecca Kelly Slaughter
 Christine S. Wilson

In the Matter of

**Lifespan Corporation,
a corporation**

and

**Care New England Health
System,
a corporation.**

Docket No. 9406

PUBLIC

JOINT MOTION TO DISMISS COMPLAINT

Complaint Counsel and Respondents Lifespan Corporation (“Lifespan”) and Care New England Health System (“CNE”) (collectively, “Respondents”) jointly move to dismiss the complaint in the above-captioned matter. As set forth in the Attachments, as of February 24, 2022, Respondents have withdrawn their Hart-Scott-Rodino Notification and Report Forms filed for the proposed acquisition. The complaint is now moot.

Accordingly, the parties respectfully request that the Commission dismiss the complaint.
A proposed order is attached.

Dated: February 28, 2022

Respectfully submitted,

s/ Susan A. Musser

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s/ Joseph A. Farside, Jr.

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s/ Daniel Powers

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*Counsel for Respondent Care New England
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ATTACHMENT

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February 24, 2022

BY EMAIL ONLY

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**Re: Lifespan Corporation / Care New England Health System
Transaction Identification Number: HSR Nos. 2021-1730, 2021-1731
Withdrawal of HSR Premerger Notification**

Dear All:

On behalf of Lifespan Corporation (“Lifespan”), please be advised that effective February 24 2022, Lifespan is withdrawing its HSR Premerger Notification that was originally submitted on April 14, 2021, in connection with the above-referenced matter. By copy of this letter, I am informing the Department of Justice of this withdrawal.

Please do not hesitate to contact me if you have any questions.

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Karen Berg, Esq.
Department of Justice, Antitrust Division
February 24, 2022
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Sincerely,

/s/ Joseph A. Farside, Jr.

Joseph A. Farside, Jr.

cc: Amy Ritchie, Esq. (FTC)
Paul J. Adler, Esq. (Lifespan)
Stephen Murphy, Esq. (for Lifespan)
Krystle Tadesse, Esq. (for Lifespan)

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February 24, 2022

VIA EMAIL
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Department of Justice
Antitrust Division
Premerger and Division Statistics Unit
450 Fifth Street NW
Suite 1100
Washington, DC 20530

Re: HSR Transaction Nos. 2021-1730, 2021-1731 – Care New England Health System

Dear Sir or Madam:

Please be advised that effective February 23, 2022, Care New England Health System is withdrawing its HSR Premerger Notification that was originally submitted on April 14, 2021, in connection with the above-referenced matter.

Sincerely,

Daniel Powers

cc: Stephen Y. Wu, Esq.
Amy Ritchie, Esq. Federal Trade Commission

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COMMISSIONERS: **Lina Khan, Chair
Noah Joshua Phillips
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[PROPOSED] ORDER TO DISMISS COMPLAINT

This matter comes before the Commission on Complaint Counsel and Respondents' Joint Motion to Dismiss the Complaint. Having considered the motion, it is hereby ORDERED:

The Joint Motion to Dismiss the Complaint, dated March ___, 2022, is GRANTED; and the complaint is DISMISSED without prejudice.

By the Commission.

Date: _____

April Tabor
Secretary

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2022 I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

April Tabor
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580

I also certify that I caused the foregoing document to be served via email to:

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Counsel for Defendant Care New England Health System

By: s/ Susan A. Musser
SUSAN A. MUSSER

Counsel Supporting the Complaint