

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman
Julie Brill
Maureen K. Ohlhausen
Terrell McSweeney

In the Matter of)	
)	
)	
The Penn State Hershey)	
Medical Center,)	Docket No. 9368
a corporation)	
)	
and)	PUBLIC
)	
PinnacleHealth System,)	
a corporation.)	

ORDER DENYING MOTION TO STAY

THE ADMINIS, 2015, pursuant to Section 13(b) of Section 16 of the Clayton Act, the Commission filed a complaint in United Court for the Middle District of Pennsylvania seeking a temporary restraining preliminary injunction to prevent Respondents from consummating proposed resolution of this administrative proceeding. Compl., FTCA, No. 1:15-cv-2362-JEJ (M.D. Pa) (Dec. 9 2015). In accordance with Rule 3.11(b) (4), the administrative complaint provides that the Commission's district court complaint for a preliminary injunction. Motion at 1. Counsel opposes the motion.

Commission Rule 3.41(f) provides, in relevant part, that a pending "collateral federal matter that relates to the administrative adjudication shall not stay the proceeding unless a competent jurisdiction, or the Commission for good cause, so directs." 16 C.F.R. Respondents rest their motion to stay on the suggestion that the district court hearing begins until after the administrative hearing begins.

on May 17, 2016. Respondents' conjecture, however, is not a basis for ~~granting~~ the administrative hearing. The preliminary injunction hearing is scheduled to begin on April 11, 2016; will be "held over no more than five (5) days" and will conclude no later than April 15, 2016. Stip. Case Mgmt. Order in *FTC v. Penn State Hershey Med. Ctr.* No. 1:15cv-2362-JEJ (M.D. Pa.) (Jan 19, 2016). At this time, we see no conflict between the two proceedings or any other reason that would justify staying the administrative hearing. Furthermore, as reflected in the Commission's rules, the Commission has made a commitment to ~~move~~ as expeditiously as possible with administrative hearing the merits. We therefore find that no good cause exists to grant Respondents' motion to stay

Accordingly, IT IS HEREBY ORDERED that Respondents' February 22, 2016 Motion To Stay the Administrative Hearing is hereby ~~denied~~ without prejudice.

By the Commission.

Donald S. Clark
Secretary

SEAL:
ISSUED: March 21, 2016