

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 16-2365

---

FEDERAL TRADE COMMISSION;  
COMMONWEALTH OF PENNSYLVANIA,  
Appellants

v.

PENN STATE HERSHEY MEDICAL CENTER;  
PINNACLE HEALTH SYSTEM

---

On Appeal from the United States District Court  
for the Middle District of Pennsylvania  
(M.D. Pa. No. 1-15-cv-02362)  
District Judge: Honorable John E. Jones, III

---

Argued July 26, 2016  
Before: FISHER, GREENAWAY, JR., and KRAUSE, *Circuit Judges*.

---

PRELIMINARILY ENJOIN the proposed merger in question pending the outcome of the administrative adjudication before the Federal Trade Commission. All of the above in accordance with the opinion of this Court.

Costs taxed against Appellees.

Attest:

s/Marcia M. Waldron  
Clerk

Dated: September 27, 2016

OFFICE OF THE CLERK

MARCIA M. WALDRON

CLERK



UNITED STATES COURT OF APPEALS

21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA, PA 19106-1790

Website: [www.ca3.uscourts.gov](http://www.ca3.uscourts.gov)

TELEPHONE  
215-597-2995

September 27, 2016

Michele Arington  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
H-582  
Washington, DC 20580

Charles I. Artz  
Artz Health Law  
200 North 3rd Street  
Suite 12-B  
Harrisburg, PA 17101

William D. Coglianesse  
Jones Day  
51 Louisiana Avenue, N.W.  
Washington, DC 20001

James P. DeAngelo  
McNees Wallace & Nurick  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108

Brett DeLange  
Office of Attorney General of Idaho  
954 West Jefferson Street  
2nd Floor  
Boise, ID 83720

James A. Donahue III  
Office of Attorney General of Pennsylvania  
Strawberry Square

Harrisburg, PA 17120

William H. Efron  
Federal Trade Commission  
One Bowling Green  
Suite 318  
New York, NY 10004

Louis K. Fisher  
Jones Day  
51 Louisiana Avenue, N.W.  
Washington, DC 20001

Joel R. Marcus  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, DC 20580

Julie E. McEvoy  
Jones Day  
51 Louisiana Avenue, N.W.  
Washington, DC 20001

Jared P. Nagley  
Federal Trade Commission  
One Bowling Green  
Suite 318  
New York, NY 10004

Jonathan W. Platt  
Federal Trade Commission  
One Bowling Green  
Suite 318  
New York, NY 10004

Richard P. Rouco  
Quinn Conner Weaver Davies & Rouco  
2 20th Street North  
Suite 930  
Birmingham, AL 35203

Aaron L. Schwartz  
Pennsylvania Office of Attorney General  
Antitrust Section  
Strawberry Square  
14th Floor

Harrisburg, PA 17120

Kimberly A. Selemba  
McNees Wallace & Nurick  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108

Gerald A. Stein  
Federal Trade Commission  
One Bowling Green  
Suite 318  
New York, NY 10004

Christopher N. Thatch  
Jones Day  
51 Louisiana Avenue, N.W.  
Washington, DC 20001

Jennifer A. Thomson  
Office of Attorney General of Pennsylvania  
Strawberry Square  
Harrisburg, PA 17120

Geralyn J. Trujillo  
Federal Trade Commission  
One Bowling Green  
Suite 318  
New York, NY 10004

Adrian Wager-Zito  
Jones Day  
51 Louisiana Avenue, N.W.  
Washington, DC 20001

Tracy W. Wertz  
Office of Attorney General of Pennsylvania  
Strawberry Square  
Harrisburg, PA 17120

RE: FTC, et al v. Penn State Hershey Medical Cen, et al  
Case Number: 16-2365  
District Case Number: 1-15-cv-02362

ENTRY OF JUDGMENT

Today, **September 27, 2016** the Court entered its judgment in the above-captioned matter pursuant to Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

**Time for Filing:**

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

**Page Limits:**

15 pages

**Attachments:**

A copy of the panel's opinion and judgment only. No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. If separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to a combined 15 page limit. If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

A party who is entitled to costs pursuant to Fed.R.App.P. 39 must file an itemized and verified bill of costs within 14 days from the entry of judgment. The bill of costs must be submitted on the proper form which is available on the court's website.

A mandate will be issued at the appropriate time in accordance with the Fed.R.App.P. 41.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

For the Court,



Marcia M. Waldron, Clerk

s/ pdb Case Manager