

**Noah Joshua Phillips
Rohit Chopra
Rebecca Kelly Slaughter
Christine S. Wilson**

In the Matter of

**Thomas Jefferson University
a corporation,**

and

**Albert Einstein Healthcare Network
a corporation.**

Docket No. 9392

RESPONDENTS'S MOTION TO WITHDRAW MATTER FROM ADJUDICATION

Respondents Thomas Jefferson University (“Jefferson”) and Albert Einstein Healthcare Network (“Einstein”) respectfully move pursuant to Rule 3.26(c), 16 C.F.R. § 3.26(c), to withdraw the above-captioned matter from adjudication to allow the Commission to consider whether further litigation is in the public interest following the denial of the Federal Trade Commission (“FTC” or “Commission”) and Commonwealth of Pennsylvania’s motion for a preliminary injunction in this matter and denial of the FTC’s emergency motion for an injunction pending appeal.

BACKGROUND

On February 27, 2020, Complaint Counsel filed this action and, together with the Commonwealth of Pennsylvania, a complaint in the United States District Court for the Eastern District of Pennsylvania seeking a preliminary injunction to enjoin the proposed transaction

Emergency Motion for Injunction Pending Appeal. Order [E.D. Pa. Dkt. 285]. On December 21, 2020, the Third Circuit denied the FTC's Emergency Motion for an Injunction Pending Appeal. Order [3d Cir.

CONCLUSION

For the reasons set forth above, Respondents' motion for withdrawal of the matter from adjudication under Rule 3.26(c) should be granted.

Dated: December 31, 2020

Respectfully submitted,

/s/ Leigh L. Oliver

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of December, 2020, a true and correct copy of the foregoing was filed via hand delivery on the following:

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I also certify that I caused a true and correct copy of the foregoing to be served via email to:

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/s/ Alison M. Agnew

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

COMMISSIONERS: **Joseph J. Simons, Chairman**
 Noah Joshua Phillips
 Rohit Chopra
 Rebecca Kelly Slaughter
 Christine S. Wilson

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**[PROPOSED] ORDER GRANTING RESPONDENTS^o
MOTION TO WITHDRAW MATTER FROM ADJUDICATION**