

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

May 18, 2016

ECO-027-E

No. 16-2365

FEDERAL TRADE COMMISSION;
COMMONWEALTH OF PENNSYLVANIA,
Appellants

v.

PENN STATE HERSHEY MEDICAL CENTER;
PINNACLE HEALTH SYSTEM

(M.D. Pa. No. 1-15-cv-02362)

Present: FISHER and GREENAWAY, Jr., Circuit Judges

1. Corrected Emergency Motion by Appellants for Injunction Pending Appeal and to Expedite Appeal with Sealed Appendix;
2. Motion by Appellants to Seal Appendix to Emergency Motion by Appellants for Injunction Pending Appeal and to Expedite Appeal;
3. Supplemental Motion by Appellants to Expedite Appeal with Proposed Briefing Schedule:

Appellants' opening brief due on or before June 24, 2016
Appellees' brief due on or before July 22, 2016
Reply brief due on or before August 4, 2016;
4. Response by Appellees to Appellants' Motion to Expedite Appeal and Proposed Alternative Briefing Schedule:

Appellants' opening brief due on or before June 1, 2016
Appellees' brief due on or before June 13, 2016
Reply brief due on or before June 17, 2016;
5. Response by Appellees In Opposition to Emergency Motion by Appellant for Injunction Pending Appeal with Sealed Appendix:

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6. Motion by Appellees to Seal Appendix to Response in Opposition to Emergency Motion for Injunction Pending Appeal;
7. Reply by Appellants In Support of Emergency Motion for Injunction Pending Appeal with Sealed Appendix;
8. Motion by Appellants to Seal Appendix to Reply in Support of Emergency Motion for Injunction Pending Appeal.

Respectfully,
Clerk/pdb

ORDER

The foregoing are hereby considered. The corrected motion for injunctive relief is granted, as are the motions to seal. An injunction pending appeal is granted and the proposed merger in question is enjoined during the pendency of this appeal.

The motion to expedite is granted to the extent the appeal will be expedited. The proposed briefing schedule of Appellants, however, will not be adopted. Rather, the proposed briefing schedule of the Appellees is adopted by the Court and the following deadlines will apply to the case:

- Step 1: Appellants' brief and appendix must be filed and served on or before June 1, 2016;
- Step 2: Appellees' response brief must be filed and served on or before June 13, 2016;
- Step 3: Appellants' reply brief, if any, must be filed and served on or before June 17, 2016.

As the case has been expedited, absolutely no extensions of time to file the briefs will be granted. The case will be calendared during the week of July 25, 2016. Counsel should be prepared to argue the case during that week in the event oral argument is scheduled by the merits panel.

By the Court,

s/ D. Michael Fisher
Circuit Judge

Dated: May 24, 2016
PDB/cc: All Counsel of Record



A True Copy

Marcia M. Waldron

Marcia M. Waldron, Clerk