

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

FEDERAL TRADE COMMISSION)
and THE STATE OF GEORGIA,)

Plaintiffs,)

v.)

PHOEBE PUTNEY HEALTH)
SYSTEM, INC., PHOEBE PUTNEY)
MEMORIAL HOSPITAL, INC.,)
PHOEBE NORTH, INC., HCA INC.,)
PALMYRA PARK HOSPITAL,)
INC., and HOSPITAL AUTHORITY)
OF ALBANY-DOUGHERTY)
COUNTY,)

Defendants.)

CIVIL ACTION
FILE NO. 1-11-CV-00058-WLS

**DEFENDANTS HCA INC. AND PALMYRA PARK HOSPITAL, INC.’S
CROSS-MOTION TO DISMISS OR
IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT, AND
TO DISSOLVE THE TEMPORARY RESTRAINING ORDER**

Now come HCA Inc. (“HCA”) and Palmyra Park Hospital, Inc., (“Palmyra”) (collectively, the “HCA Defendants”), and hereby join, adopt and incorporate (1) the Motion of the Hospital Authority of Albany-Dougherty County (the “Hospital Authority”) to Dismiss or in the Alternative, for Summary Judgment, and to Dissolve Temporary Restraining Order; and Brief in Support of Motion and in Opposition to Plaintiffs’ Motion for Preliminary Injunction; and (2) Phoebe Putney Health System, Inc., Phoebe Putney Memorial Hospital, Inc. and Phoebe North, Inc.’s (collectively, “Phoebe Putney”) Motion to Dismiss and Vacate; and Memorandum of Law in Opposition to Plaintiffs’ Motion for a Preliminary Injunction and in Support of Cross-Motion to Dismiss, and to Vacate the Temporary Restraining Order (collectively, the “Co-

Defendants' Briefs").¹ For the reasons set forth in the Co-Defendants' Briefs and the HCA Defendants' Memorandum of Law in Support of this Motion (filed herewith), the Defendants' Motions should be granted and Plaintiffs' Motion for Preliminary Injunction should be denied.

RESPECTFULLY SUBMITTED this 16th day of May, 2011

SIMPSON THACHER & BARTLETT LLP

By: /s/ Kevin J. Arquit

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Inc.

¹ The HCA Defendants also incorporate by reference the Statement of Facts filed by Co-Defendants in conjunction with their Motions and accompanying Memorandums.