

General Docket
United States Court of Appeals for the Eleventh Circuit

Court of Appeals Docket #: 11-12906 Nature of Suit: 1410 Antitrust Federal Trade Commission v. Phoebe Putney Health System, I, et al Appeal From: Middle District of Georgia Fee Status: Fee Not Required	Docketed: 06/28/2011 Termed: 05/10/2013 Case Handler: Tunstall, Lois, EE (404) 335-6224
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Case Type Information:

- 1) U.S. Civil
- 2) U.S. Plaintiff
- 3) -

Originating Court Information:

District: 113G-1 : [1:11-cv-00058-WLS](#)
Civil Proceeding: W. Louis Sands, U.S. District Judge
Date Filed: 04/20/2011
Date NOA Filed:
 06/28/2011

Prior Cases:

None

Current Cases:

None

FEDERAL TRADE COMMISSION

Plaintiff - Appellant

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versus

PHOEBE PUTNEY HEALTH SYSTEM, INC.

Defendant - Appellee

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FEDERAL TRADE COMMISSION,

Plaintiff - Appellant,

STATE OF GEORGIA,

Plaintiff,








versus

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















Defendants - Appellees.

06/28/2011		Added Attorney Emmet J. Bondurant for partys Appellees Hospital Authority of Albany - Dougherty County, Phoebe Putney Health System, Inc., Phoebe North, Inc., Palmyra Park Hospital, Inc., Phoebe Putney Memorial Hospital, HCA, Inc., in case 11-12906.
06/28/2011		CIVIL APPEAL DOCKETED. Notice of appeal filed by Appellant Federal Trade Commission on 06/28/2011. Fee Status: Fee Not Required. Appellant brief due 40 days from 06/28/2011.
06/29/2011		Added Attorney Imad D. Abyad for party Appellant Federal Trade Commission, in case 11-12906.
06/29/2011		EMERGENCY MOTION for injunction pending appeal and to expedite appeal filed by Attorney Imad D. Abyad for Appellant Federal Trade Commission. Motion is Opposed [6333860-1] --[Edited 06/29/2011 by CW]
06/29/2011		MOTION to seal certain exhibits filed by Attorney Imad D. Abyad for Appellant Federal Trade Commission. Opposition to Motion is Unknown [6333880-1]
06/30/2011		Added Attorney Thomas D. Watry for party Appellee Phoebe Putney Memorial Hospital, Inc. Appellee Phoebe Putney Health System, Inc. Appellee Phoebe North, Inc., in case 11-12906.
07/01/2011		RESPONSE to Motion for injunction pending appeal and Motion to expedite in 11-12906; FILED by Attorney John H. Parker, Jr. for Appellees Phoebe Putney Health System, Inc., Phoebe Putney Memorial Hospital, Inc. and Phoebe North, Inc.--[Edited 07/01/2011 by CW]
07/01/2011		RESPONSE to Motion for injunction pending appeal and Motion to expedite filed in 11-12906; FILED by Attorney Emmet J. Bondurant for Appellee Hospital Authority of Albany-Dougherty County's.
07/01/2011		MOTION to seal filed by Attorney Kevin J. Arquit for Appellees HCA, Inc. and Palmyra Park Hospital, Inc.. Opposition to Motion is Unknown [6336068-1]
07/01/2011		SEALED RESPONSE to Motion for injunction pending appeal filed by Imad D. Abyad in 11-12906 , Motion to expedite filed by Imad D. Abyad in 11-12906 filed by Attorney Kevin J. Arquit for Appellees HCA, Inc. and Palmyra Park Hospital, Inc..
07/05/2011		Reply to response filed by Appellant Federal Trade Commission.
07/05/2011		MOTION to appear pro hac vice filed by Attorney James C. Egan, Jr. for Appellees Phoebe Putney Health System, Inc., Phoebe Putney Memorial Hospital, Inc. and Phoebe North, Inc.. Opposition to Motion is Unknown [6365758-1]
07/05/2011		Motion to appear pro hac vice filed by James C. Egan, Jr. is GRANTED.
07/05/2011		APPEARANCE of Counsel filed by James C. Egan, Jr. for Phoebe Putney Health System, Inc., Phoebe Putney Memorial Hospital, Inc. and Phoebe North, Inc..
07/05/2011		APPEARANCE of Counsel filed by Imad D. Abyad for Federal Trade Commission.
07/05/2011		APPEARANCE of Counsel filed by Leslie Rice Melman for Federal Trade Commission.
07/05/2011		APPEARANCE of Counsel filed by John F. Daly for Federal Trade Commission.
07/06/2011		ORDER: Motion to seal documents filed by Kevin J. Arquit is GRANTED., Motion to seal documents filed by Imad D. Abyad is GRANTED. Motion for injunction pending appeal filed by Imad D. Abyad is GRANTED WITHOUT PREJUDICE.; Motion to expedite filed by Imad D. Abyad is GRANTED. RB, FMH and CRW-- [Edited 07/07/2011 by CW]
07/06/2011		SEALED Document filed by Federal Trade Commission in support of Motion for injunction pending appeal.
07/06/2011		SEALED Document filed by HCA, Inc. and Hospital Authority of Albany - Dougherty County in support of response to Motion for Injunciton Pending Appeal.--[Edited 07/07/2011 by CW]
07/06/2011		Public Communication: Attached is the Expedited briefing schedule in accordandance with today's order..
07/07/2011		Civil Appeal Statement filed by Attorney Imad D. Abyad for Appellant Federal Trade Commission. Deficiency: The Civil Appeal Statement was not accompanied by portions of the record as attachments, as required by 11th Cir.R. 33-1(b).

- 07/08/2011  Public Communication: Per phone call to counsel, Nicholas Cohen, the order of 7/8 has temporarily been made unavailable to the public. He will need to file a motion to formally seal the order and any future filings that address the issue(s) discussed in the order which should not be public. Counsel will send a motion for receipt by Tuesday, 7/12/11.
- 07/08/2011   APPEARANCE of Counsel filed by Charles E. Peeler for HCA, Inc. and Palmyra Park Hospital, Inc..
4 pg, 141.3 KB
- 07/08/2011   [MOTION to appear pro hac vice filed by Attorney Lee Kavel Van Voorhis for Appellees Phoebe Putney Health System, Inc., Phoebe Putney Memorial Hospital, Inc. and Phoebe North, Inc.. Opposition to Motion is Unknown \[6365771-1\]](#)
16 pg, 1.13 MB
- 07/08/2011  Motion to appear pro hac vice filed by Lee Kavel Van Voorhis is GRANTED.
- 07/11/2011   Modified Civil Appeal Statement received by Attorney Imad D. Abyad for Appellant Federal Trade Commission.
43 pg, 2.64 MB
- 07/11/2011   APPEARANCE of Counsel filed by Lee Kavel Van Voorhis for Phoebe Putney Health System, Inc., Phoebe Putney Memorial Hospital, Inc. and Phoebe North, Inc..
5 pg, 575.08 KB
- 07/11/2011  APPEARANCE of Counsel filed by Emmet J. Bondurant for Hospital Authority of Albany - Dougherty County.
- 07/11/2011   APPEARANCE of Counsel filed by Frank M. Lowrey, IV for Hospital Authority of Albany - Dougherty County.
2 pg, 92.79 KB
- 07/11/2011   APPEARANCE of Counsel filed by Ronan P. Doherty for Hospital Authority of Albany - Dougherty County.
2 pg, 90.5 KB
- 07/11/2011   APPEARANCE of Counsel filed by Michael A. Caplan for Hospital Authority of Albany - Dougherty County.
1 pg, 65.48 KB
- 07/12/2011   [MOTION to seal this court's 7/8/11 order filed by Attorney Kevin J. Arquit for Appellees HCA, Inc. and Palmyra Park Hospital, Inc.. Opposition to Motion is Unknown \[6342144-1\]--\[Edited 07/12/2011 by CW\]](#)
11 pg, 334.18 KB
- 07/12/2011   AMENDED MOTION to seal this court's 7/8/11 order filed by Attorney Kevin J. Arquit for Appellees HCA, Inc. and Palmyra Park Hospital, Inc.. Opposition to Motion is Unknown.
12 pg, 363.33 KB
- 07/12/2011   APPEARANCE of Counsel filed by Kevin J. Arquit for HCA, Inc. and Palmyra Park Hospital, Inc..
1 pg, 57.95 KB
- 07/12/2011   APPEARANCE of Counsel filed by Paul C. Gluckow for HCA, Inc. and Palmyra Park Hospital, Inc..
1 pg, 58.32 KB
- 07/12/2011   APPEARANCE of Counsel filed by Aimee H. Goldstein for HCA, Inc. and Palmyra Park Hospital, Inc..
1 pg, 58.57 KB
- 07/13/2011   APPEARANCE of Counsel filed by Robert M. Brennan for Phoebe Putney Health System, Inc., Phoebe Putney Memorial Hospital, Inc. and Phoebe North, Inc..
4 pg, 138.37 KB
- 07/13/2011   APPEARANCE of Counsel filed by John H. Parker, Jr. for Phoebe Putney Health System, Inc., Phoebe Putney Memorial Hospital, Inc. and Phoebe North, Inc..
4 pg, 140.11 KB
- 07/18/2011   [ORDER: The amended motion by Appellees HCA, Inc., and Palmyra Park Hospital, Inc. to place under seal portions of the Court's July 08, 2011, corrected order is GRANTED. The Clerk is directed to seal the July 08, 2011, order and to place a redacted version of the order, in the form of Attachment A to this order, on the Court's publicly-available docket. FMH](#)
5 pg, 148.04 KB
- 07/26/2011   APPEARANCE of Counsel filed by Imad D. Abyad for Federal Trade Commission.
1 pg, 57.25 KB
- 07/26/2011  Added Attorney(s) John F. Daly for party(s) Appellant Federal Trade Commission, in case 11-12906.
- 07/26/2011   APPEARANCE of Counsel filed by John F. Daly for Federal Trade Commission.
1 pg, 55.15 KB
- 07/26/2011  Added Attorney(s) Leslie Rice Melman for party(s) Appellant Federal Trade Commission, in case 11-12906.
- 07/26/2011   APPEARANCE of Counsel filed by Leslie Rice Melman for Federal Trade Commission.
1 pg, 58.14 KB
- 07/27/2011   [MOTION to seal Record Excerpts filed by Attorney Imad D. Abyad for Appellant Federal Trade Commission. Opposition to Motion is Unknown \[6353041-1\]](#)
12 pg, 782.58 KB

- 07/27/2011   Expanded Record Excerpts filed by Attorney Imad D. Abyad for Appellant Federal Trade Commission. Deficiencies: Missing the TRR, cos. Service date: 07/27/2011 US mail - Attorney for Appellants: Abyad, Brown, Daly, Hassi, Moore, Viswanath; Attorney for Appellees: Arquit, Bondurant, Boudino, Brennan, Caplan, Cohen, Darrell, Doherty, Gluckow, Goldstein, Lowrey, McCullough, Middleton, Parker, Peeler, Rie, Rosen, Sickler, Van Voorhis, Wilkin; Attorney for Not Parties: Barrett, Olens, Sponseller; email - Attorney for Not Party: Byrd.
1 pg, 48.56 KB
- 07/27/2011   Appellant's brief filed by Federal Trade Commission. Deficiencies: Missing the TRR. Service date: 07/27/2011 [11-12906] Attorney for Appellant: Abyad - US mail; Attorney for Appellant: Brown - US mail; Attorney for Appellant: Daly - US mail; Attorney for Appellant: Hassi - US mail; Attorney for Appellant: Moore - US mail; Attorney for Appellant: Viswanath - US mail; Attorney for Appellee: Arquit - US mail; Attorney for Appellee: Bondurant - US mail; Attorney for Appellee: Boudino - US mail; Attorney for Appellee: Brennan - US mail; Attorney for Appellee: Caplan - US mail; Attorney for Appellee: Cohen - US mail; Attorney for Appellee: Darrell - US mail; Attorney for Appellee: Doherty - US mail; Attorney for Appellee: Gluckow - US mail; Attorney for Appellee: Goldstein - US mail; Attorney for Appellee: Lowrey - US mail; Attorney for Appellee: McCullough - US mail; Attorney for Appellee: Middleton - US mail; Attorney for Appellee: Parker - US mail; Attorney for Appellee: Peeler - US mail; Attorney for Appellee: Rie - US mail; Attorney for Appellee: Rosen - US mail; Attorney for Appellee: Sickler - US mail; Attorney for Appellee: Van Voorhis - US mail; Attorney for Appellee: Wilkin - US mail.
1 pg, 49.9 KB
- 07/28/2011  REDACTED Expanded Record Excerpts filed by Attorney Imad D. Abyad for Appellant Federal Trade Commission. Service date: 07/27/2011 email - Attorney for Appellees: Arquit, Bondurant, Brennan, Caplan, Doherty, Egan, Goldstein, Lowrey, Middleton, Parker, Peeler, Van Voorhis, Watry, Wilkin.
- 08/01/2011   APPEARANCE of Counsel filed by Edgar B. Wilkin, Jr. for Hospital Authority of Albany - Dougherty County.
4 pg, 136.15 KB
- 08/05/2011   E-Brief Tendered: Corrected Appellant brief for Appellant Federal Trade Commission.
76 pg, 148.06 KB
- 08/05/2011  Corrected Appellant's Brief filed by Appellant Federal Trade Commission. Service date: 07/27/2011 US mail - Attorney for Appellees: Arquit, Bondurant, Boudino, Brennan, Caplan, Cohen, Darrell, Doherty, Gluckow, Goldstein, Lowrey, McCullough, Middleton, Parker, Peeler, Rie, Rosen, Sickler, Van Voorhis, Wilkin.
- 08/09/2011   Corrected Expanded Record Excerpts (REDACTED) filed by Attorney Imad D. Abyad for Appellant Federal Trade Commission. Service date: 07/27/2011 US mail - Attorney for Appellees: Arquit, Bondurant, Brennan, Caplan, Doherty, Gluckow, Goldstein, Lowrey, Middleton, Parker, Peeler, Van Voorhis, Watry, Wilkin.
1 pg, 192.08 KB
- 08/17/2011   Appellee's Brief filed for Appellees Phoebe North, Inc., Phoebe Putney Health System, Inc. and Phoebe Putney Memorial Hospital, Inc. Deficiencies: no e-brief. Service date: 08/17/2011 email - Attorneys for Appellant: Abyad, Daly, Melman; Attorneys for Appellees: Bondurant, Caplan, Doherty, Goldstein, Lowrey, Middleton, Peeler, Wilkin.
1 pg, 38.06 KB
- 08/17/2011  Appellee's Brief filed for Appellees HCA, Inc. and Palmyra Park Hospital, Inc. Service date: 08/17/2011 email - Attorneys for Appellant: Abyad, Daly, Melman; Attorneys for Appellees: Bondurant, Brennan, Caplan, Doherty, Egan, Lowrey, Middleton, Parker, Van Voorhis, Watry, Wilkin.
- 08/17/2011  Appellee's Brief filed for Appellee Hospital Authority of Albany - Dougherty County. Service date: 08/17/2011 email - Attorneys for Appellant: Abyad, Daly, Melman; Attorneys for Appellees: Arquit, Brennan, Egan, Gluckow, Goldstein, Parker, Peeler, Van Voorhis, Watry.
- 08/17/2011  Supplemental Expanded Record Excerpts (2 VOLUMES) filed by Attorney Frank M. Lowrey, IV for Appellee Hospital Authority of Albany - Dougherty County, Et Al., Service date: 08/17/2011 email - Attorneys for Appellant: Abyad, Daly, Melman; Attorneys for Appellees: Arquit, Brennan, Egan, Gluckow, Goldstein, Parker, Peeler, Van Voorhis, Watry.
- 08/18/2011   E-Brief Tendered: Appellee brief for Appellees HCA, Inc. and Palmyra Park Hospital, Inc..
108 pg, 195.54 KB
- 08/18/2011   According to our records, Thomas D. Watry for Phoebe Putney Health System, Inc., Phoebe Putney Memorial Hospital, Inc. and Phoebe North, Inc. is not a member of the Eleventh Circuit bar. An appearance of counsel form has not been processed allowing fourteen days to complete and return the required application for admission.
2 pg, 358.08 KB
- 08/18/2011  Oral argument scheduled. Argument Date: Wednesday, 10/05/2011 Argument Location: Atlanta Courtroom: Atlanta 339.

08/19/2011	 	ORDER: Sua Sponte Submission filed by Appellant Federal Trade Commission, Not Party Service and Appellees 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 is GRANTED.; Motion to seal documents filed by Imad D. Abyad is GRANTED.
08/19/2011		SEALED Expanded Record Excerpts (4 VOLUMES) filed by Attorney Imad D. Abyad for Appellant Federal Trade Commission. Service date: 07/27/2011 US mail - Attorneys for Appellant: Abyad, Brown, Daly, Hassi, Melman, Moore, Viswanath; Attorneys for Appellees: Arquit, Bondurant, Boudino, Brennan, Caplan, Cohen, Darrell, Doherty, Gluckow, Goldstein, Lowrey, McCullough, Middleton, Parker, Peeler, Rie, Rosen, Sickler, Van Voorhis, Watry, Wilkin; Attorneys for Not Parties: Barrett, Olens, Sponseller; email - Attorney for Not Party: Byrd.--[Edited 08/29/2011 by JOD]
08/23/2011	 	APPEARANCE of Counsel filed by Thomas D. Watry for Phoebe Putney Health System, Inc., Phoebe Putney Memorial Hospital, Inc. and Phoebe North, Inc..
08/24/2011	 	E-Brief Tendered: Reply brief for Appellant Federal Trade Commission.
08/24/2011		Reply Brief filed for Appellant Federal Trade Commission. Service 08/23/2011 email - Attorneys for Appellees: Arquit, Bondurant, Brennan, Caplan, Doherty, Egan, Gluckow, Goldstein, Lowrey, Middleton, Parker, Peeler, Van Voorhis, Watry, Wilkin.
08/29/2011	 	E-Brief Tendered: Appellee brief for Appellee Hospital Authority of Albany - Dougherty County.
08/30/2011	 	E-Brief Tendered: Appellee brief for Appellees Phoebe North, Inc., Phoebe Putney Health System, Inc. and Phoebe Putney Memorial Hospital, Inc..
10/05/2011		Oral argument held. Oral Argument participants were Imad D. Abyad for Appellant Federal Trade Commission and Frank M. Lowrey, IV for Appellee Hospital Authority of Albany - Dougherty County.
10/17/2011	 	MOTION to seal Motion to Dissolve the Injunction and Declarations of Stephen Woodford filed by Appellees HCA, Inc. and Palmyra Park Hospital, Inc.. Opposition to Motion is Unknown [6411425-1]
10/31/2011	 	RESPONSE (PUBLIC REDACTED) to Motion to seal documents filed by Appellees HCA, Inc. and Palmyra Park Hospital, Inc. in 11-12906 filed by Attorney Imad D. Abyad for Appellant Federal Trade Commission.
10/31/2011	 	MOTION to seal Response to Motion to Dissolve the Injunction filed by Appellant Federal Trade Commission. Motion is Unopposed [6417076-1]
11/07/2011	 	MOTION to seal Response to motion to dissolve injunction filed by Appellees HCA, Inc. and Palmyra Park Hospital, Inc.. Opposition to Motion is Unknown [6422304-1]
12/09/2011	 	Opinion issued by court as to Appellant Federal Trade Commission. Decision: Affirmed. Opinion type: Published. Opinion method: Signed. Motions dissolved by opinion.
12/09/2011	 	Judgment entered as to Appellant Federal Trade Commission.
12/15/2011	 	ORDER: The injunction pending appeal granted July 06, 2011, order of the Court is hereby DISSOLVED. [6422304-2]; [6333860-2] GBT, EEC and SPM
02/06/2012	 	Mandate issued as to Appellant Federal Trade Commission.
02/29/2012	 	Extension for filing certiorari GRANTED by U.S. Supreme Court as to Appellees Phoebe Putney Health System, Inc. and Phoebe Putney Memorial Hospital, Inc..
03/23/2012	 	Notice of Writ of Certiorari filed as to Appellant Federal Trade Commission. SC# 11-1160.
05/07/2012		Checked status of ceritorari 11-1160 filed as to Appellant Federal Trade Commission - Pending.
06/25/2012	 	Writ of Certiorari filed as to Appellant Federal Trade Commission is GRANTED. SC# 11-1160.
07/31/2012		Checked status of ceritorari 11-1160 filed as to Appellant Federal Trade Commission - Pending.
08/06/2012		Checked status of ceritorari 11-1160 filed as to Appellant Federal Trade Commission - Pending.
09/20/2012		Checked status of ceritorari 11-1160 filed as to Appellant Federal Trade Commission - Pending.

11/29/2012		Checked status of ceritorari 11-1160 filed as to Appellant Federal Trade Commission - Pending.
01/11/2013		Checked status of ceritorari 11-1160 filed as to Appellant Federal Trade Commission - Pending.
02/19/2013	 1 pg, 23.75 KB	Opinion of U.S. Supreme Court received as to Appellant Federal Trade Commission.. 11-1160. Reversed and remanded.
02/27/2013	 1 pg, 26.14 KB	Opinion of U.S. Supreme Court received as to Appellant Federal Trade Commission. Reversed. 11-1160.
02/27/2013		DOCKETED IN ERROR *** Writ of Certiorari filed as to Appellant Federal Trade Commission is GRANTED. The judgment of the Eleventh Circuit is REVERSED and the case is REMANDED to the Eleventh Circuit. SC# 11-1160.--[Edited 03/27/2013 by LT]
02/27/2013	 12 pg, 1.24 MB	Remanded from the U.S. Supreme Court as to Appellant Federal Trade Commission.
03/25/2013	 3 pg, 225.73 KB	Certified copy of the Judgment of the US Supreme Court. USSC# 11-1160.
04/18/2013	 14 pg, 26.91 KB	<i>MOTION to expedite filed by Federal Trade Commission. Opposition to Motion is Unknown. [6846582-1]</i> (ECF: Imad Abyad)
04/18/2013	 5 pg, 16.38 KB	RESPONSE to Motion to expedite filed by Appellant Federal Trade Commission in 11-12906 [6846582-2] filed by Attorney Frank M. Lowrey, IV for Appellee Hospital Authority of Albany - Dougherty County. (ECF: Frank Lowrey)
04/18/2013	 9 pg, 92.38 KB	Reply to response filed by Appellant Federal Trade Commission. (ECF: Imad Abyad)
04/26/2013		ORDER RECALLED (See 04/26/2013 Entry)*** ORDER: The Federal Trade Commission's motion for an Order to remand this matter to the district court as soon as practicable is GRANTED.--[Edited 04/26/2013 by LT]--[Edited 04/26/2013 by SCW]
04/26/2013	 1 pg, 11.83 KB	This Court's Order dated 04/26/2013 as to Appellant Federal Trade Commission has been RECALLED. Please disregard this order in its entirety.
05/10/2013	 2 pg, 41.04 KB	ORDER: This case is REMANDED to US District Court for the Middle District of Georgia for further proceedings consistent with the opinion of the Supreme Court.. (Quorum) SO ORDERED.. GBT, EEC. --[Edited 05/21/2013 by DS]
05/10/2013		MOTION MOOT: Motion to expedite is MOOT [6846582-2] due to this Court's order filed 05/10/2013. Motion filed by Appellant Federal Trade Commission.

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