

**NO. 11-12906EE**

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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FEDERAL TRADE COMMISSION,

Appellant,

v.

PHOEBE PUTNEY HEALTH SYSTEM, INC., ET AL.,

Appellees.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF GEORGIA (1:11-CV-00058-WLS)

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**RESPONSE TO MOTION OF THE FEDERAL TRADE  
COMMISSION FOR AN EXPEDITED ORDER OF REMAND**

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April 18, 2013

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COMMISSION FOR AN EXPEDITED ORDER OF REMAND**

Appellant Federal Trade Commission has moved for an expedited remand order based upon the assertion that there is “ongoing consumer harm” and there are “time-sensitive motions pending below.” Mot. at 5. The purportedly “time-sensitive motions,” which relate to a hospital merger that closed on December 15, 2011, ask the district court to maintain the status quo of the acquired hospital assets pending the conclusion of the FTC’s administrative proceedings.

Appellees do not oppose the timely issuance of a remand order. However, the FTC should not have premised its Motion on the inaccurate suggestion that imminent harm or “time sensitivity” requires this Court’s expedited attention. To the contrary, it should have reported that Appellants have represented in writing to the district court that they will maintain the *status quo* and will effect no material change with respect to the preservation of the acquired assets between now and when the Court conducts a chambers conference on the FTC’s motions. That conference will obviously not occur until this Court issues a remand order in the ordinary course.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2013, a copy of the foregoing **RESPONSE TO MOTION OF THE FEDERAL TRADE COMMISSION FOR AN EXPEDITED ORDER OF REMAND** was served by email, pursuant to the parties' mutual consent, upon the following:

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