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# FTC Files Amended Complaint, Renewed Motions Seeking to Stop Integration of Phoebe Putney Health System and Former Palmyra Park Hospital in Albany, Ga.



## Related Cases

[Phoebe Putney Health System, Inc.](#)

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FOR YOUR INFORMATION

April 11, 2013

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The Federal Trade Commission this week filed [renewed motions in its ongoing litigation related to Phoebe Putney Health System's now consummated acquisition of Palmyra Park Hospital in Albany, Georgia](#). In filing the motions in federal district court, the FTC is seeking a temporary restraining order and preliminary injunction to stop the further integration of the two hospitals and to ensure that Palmyra's assets are maintained until an administrative trial on the merits of the acquisition, which is scheduled to begin on August 5, 2013.

### Case Background

On April 20, 2011, the FTC filed an action in federal district court seeking to block the then-proposed combination of the only two hospitals in Albany, Ga. -- Phoebe Putney Health System, Inc. and Palmyra Park Hospital. The FTC alleged the deal -- a merger to monopoly -- would reduce competition significantly and allow the combined Phoebe/Palmyra to raise prices for general acute-care hospital services charged to commercial health plans, harming patients and local employers and employees.

On June 27, 2011, the U.S. District Court for the Middle District of Georgia, Albany Division, dismissed the FTC's complaint and denied its motion for a preliminary injunction. The court found that the transaction was shielded from antitrust scrutiny by the state action doctrine. The FTC appealed the district court's decision to the U.S. Court of Appeals for the Eleventh

Circuit, which affirmed the district court’s ruling on December 9, 2011.

The FTC appealed the Eleventh Circuit’s ruling to the U.S. Supreme Court, and on February 19, 2013, the Supreme Court ruled unanimously that the state action doctrine did not immunize the hospital acquisition from the federal antitrust laws.

The FTC’s Bureau of Competition works with the Bureau of Economics to investigate alleged anticompetitive business practices and, when appropriate, recommends that the Commission take law enforcement action. To inform the Bureau about particular business practices, call 202-326-3300, send an e-mail to [antitrust@ftc.gov](mailto:antitrust@ftc.gov), or write to the Office of Policy and Coordination, Bureau of Competition, Federal Trade Commission, 601 New Jersey Ave., Room 7117, Washington, DC 20001. To learn more about the Bureau of Competition, read [Competition Counts](#). Like the FTC on [Facebook](#), follow us on [Twitter](#), and [subscribe to press releases](#) for the latest FTC news and resources.

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