

CONSOL,LC1,TERMED

**U.S. District Court**  
**District of Idaho (LIVE Database)Version 5.1.1 (Boise - Southern)**  
**CIVIL DOCKET FOR CASE #: 1:13-cv-00116-BLW**

Federal Trade Commission et al v. St Luke's Health System,  
LTD. et al  
Assigned to: Judge B. Lynn Winmill  
Lead case: [1:12-cv-00560-BLW](#)  
Member case: [\(View Member Case\)](#)  
related Case: [1:12-cv-00560-BLW](#)  
Cause: 15:53 Federal Trade Commission Act

Date Filed: 03/12/2013  
Date Terminated: 02/28/2014  
Jury Demand: None  
Nature of Suit: 410 Anti-Trust  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Federal Trade Commission**

represented by **Carl J Withroe**  
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**Plaintiff**

**State of Idaho**

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**Wendy K Arends**

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*LEAD ATTORNEY*

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V.

**Defendant**

**St Luke's Health System Ltd**

represented by **Douglas Eugene Litvack**

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**Defendant****Saltzer Medical Group**represented by **Brian K Julian**

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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/12/2013	<a href="#">1</a>	Sealed COMPLAINT for Permanent Injunction against St Luke's Health System, LTD. and Saltzer Medical Group, filed by Federal Trade Commission & State of Idaho. (Attachments: # <a href="#">1</a> Cover Sheet, # <a href="#">2</a> Summons)(jp)
03/12/2013	<a href="#">2</a>	SEALED MOTION for Consolidation.Douglas Eugene Litvack appearing for Plaintiffs. Responses due by 4/5/2013 (Attachments: # <a href="#">1</a> Memorandum in Support)(jp)
03/12/2013	<a href="#">3</a>	MOTION for Expedited Consideration of Plaintiffs' Unopposed Motion for Consolidation. Douglas Eugene Litvack appearing for Plaintiffs. Responses due by 4/5/2013 (Attachments: # <a href="#">1</a> Memorandum in Support)(jp)
03/12/2013	<a href="#">4</a>	Plaintiffs' Unopposed MOTION for an Order Directing the Filing Under Seal of Certain Documents. re <a href="#">1</a> Complaint, <a href="#">2</a> Sealed Motion. Douglas Eugene Litvack appearing for Plaintiffs. Responses due by 4/5/2013 (Attachments: # <a href="#">1</a> Memorandum in Support)(jp)
03/12/2013	<a href="#">5</a>	MOTION FOR PRO HAC VICE APPEARANCE by Wendy Arends. ( Filing fee \$ 225 receipt number 0976-993786.)Carl J Withroe appearing for State of Idaho. Responses due by 4/5/2013 (Withroe, Carl) Modified on 3/12/2013 to edit text (jp).
03/12/2013	<a href="#">6</a>	MOTION FOR PRO HAC VICE APPEARANCE by Kevin O'Connor. ( Filing fee \$ 225 receipt number 0976-993792.)Carl J Withroe appearing for Plaintiff State of Idaho. Responses due by 4/5/2013 (Withroe, Carl)
03/12/2013	<a href="#">7</a>	MOTION FOR PRO HAC VICE APPEARANCE by Eric Wilson. ( Filing fee \$ 225 receipt number 0976-993796.)Carl J Withroe appearing for Plaintiff State of Idaho. Responses due by 4/5/2013 (Withroe, Carl)
03/12/2013	<a href="#">8</a>	NOTICE of Appearance by Henry Chao-Lon Su on behalf of Federal Trade Commission (Su, Henry)
03/13/2013	9	

		DOCKET ENTRY ORDER approving <a href="#">5</a> Motion for Pro Hac Vice Appearance of attorney Wendy K Arends for State of Idaho Per General Order 206, out-of-state counsel shall immediately register for ECF. (Notice sent to CM/ECF Registration Clerk) (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (krb)
03/13/2013	<a href="#">10</a>	DOCKET ENTRY ORDER approving <a href="#">6</a> Motion for Pro Hac Vice Appearance of attorney Kevin J O'Connor for Federal Trade Commission, Kevin J O'Connor for State of Idaho Per General Order 206, out-of-state counsel shall immediately register for ECF. (Notice sent to CM/ECF Registration Clerk) (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (krb)
03/13/2013	<a href="#">11</a>	DOCKET ENTRY ORDER approving <a href="#">7</a> Motion for Pro Hac Vice Appearance of attorney Eric J Wilson for Federal Trade Commission, Eric J Wilson for State of Idaho Per General Order 206, out-of-state counsel shall immediately register for ECF. (Notice sent to CM/ECF Registration Clerk) (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (krb)
03/13/2013	<a href="#">12</a>	Summons Issued as to All Defendants. (Print attached Summons for service.) (krb)
03/13/2013	<a href="#">13</a>	NOTICE of Appearance by Douglas Eugene Litvack on behalf of Federal Trade Commission Associated Cases: 1:13-cv-00116-BLW, 1:12-cv-00560-BLW-REB(Litvack, Douglas)
03/15/2013	<a href="#">14</a>	NOTICE of Appearance by Michael James Perry on behalf of Federal Trade Commission (Perry, Michael)
03/15/2013	<a href="#">15</a>	NOTICE of Appearance by Peter C Herrick on behalf of Federal Trade Commission (Herrick, Peter)
03/15/2013	<a href="#">16</a>	MOTION to Unseal Document <a href="#">1</a> Complaint filed by Federal Trade Commission, State of Idaho, <a href="#">2</a> SEALED MOTION filed by Federal Trade Commission, State of Idaho Michael James Perry appearing for Plaintiffs Federal Trade Commission, State of Idaho. Responses due by 4/8/2013 (Attachments: # <a href="#">1</a> Memorandum in Support Memorandum in Support of Plaintiffs' Motion to Unseal Certain Documents)(Perry, Michael)
03/18/2013	<a href="#">17</a>	NOTICE of Appearance by Brian K Julian on behalf of Saltzer Medical Group (Julian, Brian)
03/19/2013	<a href="#">18</a>	ORDER OF CONSOLIDATION in case 1:12-cv-00560-BLW-REB; granting (2) Sealed Motion; granting (3) Motion to Expedite in case 1:13-cv-00116-BLW. The lead case shall be <i>St. Als v. St. Lukes</i> 1:12-cv-560-BLW, and that all pleadings and other documents shall be filed in that lead case. The trial presently set for 7/29/2013, is VACATED, and that trial shall be reset for 9/16/2013, at 9:00 a.m. The telephone status conference now set for 4/2/2013, is VACATED. Signed by Judge B. Lynn Winmill. Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjm)

03/20/2013	<a href="#">19</a>	DOCKET ENTRY ORDER Pursuant to agreement of all counsel, and to clarify the applicability of the Protective Order, NOW THEREFORE IT IS HEREBY ORDERED, that the Protective Order 64 filed in St. Als v St Lukes 1:12-CV-560-BLW applies with equal force and effect in the consolidated case of FTC v St Lukes 1:13-CV-116-BLW. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (dm)
04/04/2013	<a href="#">20</a>	NOTICE of Appearance by Syrena Case Hargrove on behalf of Federal Trade Commission (Hargrove, Syrena)
04/20/2013	<a href="#">21</a>	NOTICE of Appearance by Colleen D Zahn on behalf of State of Idaho (Zahn, Colleen)
08/22/2013	<a href="#">22</a>	MOTION to Exclude <i>Expert Testimony of Professor Alain Enthoven</i> Douglas Eugene Litvack appearing for Plaintiffs Federal Trade Commission, State of Idaho, Federal Trade Commission, Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc., State of Idaho, Treasure Valley Hospital Limited Partnership, Defendants Saltzer Medical Group, St Luke's Health System Ltd, Saltzer Medical Group, St. Luke's Health System, LTD, St. Luke's Regional Medical Center, Ltd, Movant Blue Cross of Idaho Health Services Inc. Responses due by 9/16/2013 Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(Litvack, Douglas)
08/22/2013	<a href="#">23</a>	Sealed Document Re:(22 in 1:13-cv-00116-BLW, 158 in 1:12-cv-00560-BLW-REB) MOTION to Exclude <i>Expert Testimony of Professor Alain Enthoven Memorandum In Support Of Motion</i> . (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G, # <a href="#">8</a> Exhibit H, # <a href="#">9</a> Exhibit I)Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(Litvack, Douglas)
09/06/2013	<a href="#">24</a>	Sealed Document <i>Memorandum In Opposition To St. Luke's Motion To Exclude Evidence Of The 2010 Reimbursement Increase Between St. Luke's and BCI</i> . (Attachments: # <a href="#">1</a> Exhibit Exhibit A Dranove Initial Expert Report, # <a href="#">2</a> Exhibit Exhibit B Haas Wilson Reply Report, # <a href="#">3</a> Exhibit Exhibit C LeFleur Document) Associated Cases: 1:13-cv-00116-BLW, 1:12-cv-00560-BLW-REB(Litvack, Douglas)
09/06/2013	<a href="#">25</a>	Sealed Document <i>Memorandum In Support Of Plaintiffs' Motion To Exclude Testimony Of Defendants' Expert David A. Foster</i> . (Attachments: # <a href="#">1</a> Exhibit Exhibit A -Truven Report, # <a href="#">2</a> Exhibit Exhibit B - Foster Dep. Tr., # <a href="#">3</a> Exhibit Exhibit C - Foster 777, # <a href="#">4</a> Exhibit Exhibit D - Hill Dep. Tr., # <a href="#">5</a> Exhibit Exhibit E - SLHS000375798, # <a href="#">6</a> Exhibit Exhibit F - Foster 779, # <a href="#">7</a> Exhibit Exhibit G - E-mail Exchange, # <a href="#">8</a> Exhibit Exhibit H (Reply))Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(Litvack, Douglas)
09/06/2013	<a href="#">26</a>	Sealed Document <i>Memorandum In Opposition To Defendants' Motion To Exclude Expert Opinions That Provider Based Billing To Medicare Is Evidence Of Market Power</i> . Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(Litvack, Douglas)

09/06/2013	<a href="#">27</a>	Sealed Document Re:(180 in 1:12-cv-00560-BLW-REB, 26 in 1:13-cv-00116-BLW) Sealed Document <i>Exhibit A - Dranove Expert Report</i> . (Attachments: # <a href="#">1</a> Exhibit B - Haas Wilson Report, # <a href="#">2</a> Exhibit C - Dranove Reply Report, # <a href="#">3</a> Exhibit D - Haas Wilson Reply Report, # <a href="#">4</a> Exhibit E - Dranove Dep. Tr., # <a href="#">5</a> Exhibit F - Haas Wilson Dep. Tr., # <a href="#">6</a> Exhibit G - SLHS - BCI Presentation, # <a href="#">7</a> Exhibit H - SLHS0000012925)Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(Litvack, Douglas)
09/06/2013	<a href="#">28</a>	Sealed Document Re:(27 in 1:13-cv-00116-BLW, 182 in 1:12-cv-00560-BLW-REB) Sealed Document,, (180 in 1:12-cv-00560-BLW-REB, 26 in 1:13-cv-00116-BLW) Sealed Document <i>Exhibit I - SLHS000820291</i> . (Attachments: # <a href="#">1</a> Exhibit J - LaFleur Dep. Tr., # <a href="#">2</a> Exhibit K - CON0000983)Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(Litvack, Douglas)
09/06/2013	<a href="#">29</a>	MOTION in Limine <i>Exclude Expert Testimony of David A. Foster</i> Douglas Eugene Litvack appearing for Plaintiffs Federal Trade Commission, State of Idaho, Federal Trade Commission, Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc., State of Idaho, Treasure Valley Hospital Limited Partnership, Defendants Saltzer Medical Group, St Luke's Health System Ltd, Saltzer Medical Group, St. Luke's Health System, LTD, St. Luke's Regional Medical Center, Ltd, Movant Blue Cross of Idaho Health Services Inc. Responses due by 9/30/2013 Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(Litvack, Douglas)
09/07/2013	<a href="#">30</a>	Sealed Document <i>Plantiffs' Deposition Designations</i> . Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(Litvack, Douglas)
09/10/2013	<a href="#">31</a>	ERRATA by Defendants St Luke's Health System Ltd, St. Luke's Health System, LTD, St. Luke's Regional Medical Center, Ltd re (181 in 1:12-cv-00560-BLW-REB) Sealed Document <i>to Certificate of Service for Defendants' Deposition Designations</i> . Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(Sinclair, J)
09/10/2013		<b>CORRECTIVE ENTRY - The entry docket number <a href="#">31</a> Errata, <a href="#">25</a> Sealed Document, <a href="#">29</a> MOTION in Limine <i>Exclude Expert Testimony of David A. Foster</i>, <a href="#">26</a> Sealed Document, <a href="#">28</a> Sealed Document, <a href="#">27</a> Sealed Document, <a href="#">30</a> Sealed Document, <a href="#">24</a> Sealed Document were filed incorrectly in this case. On 3/19/2013, docket #18, an Order was entered consolidating this case with 1:12-cv-00560-BLW-REB. All filings from that time on are ONLY to be filed in the lead case of 1:12-cv-00560-BLW-REB. No action is needed by the filing party as it appears all of these submissions were all filed in the lead case. Please do not spread filings into this case. The Clerk's office will term the Motion in Limine at docket #29 as a pending motion in this case. It will remain a pending motion in the lead case.(cjm)</b>
09/10/2013	<a href="#">32</a>	PRETRIAL MEMORANDUM by St Luke's Health System Ltd, St. Luke's Health System, LTD, St. Luke's Regional Medical Center, Ltd. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C)Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(Sinclair, J)
09/10/2013	<a href="#">33</a>	



		Sealed Document Re:(194 in 1:12-cv-00560-BLW-REB, 32 in 1:13-cv-00116-BLW) Pretrial Memorandum, <i>SEALED Exhibits D and E to Defendants' Pretrial Memorandum, Dkt. No. 194.</i> (Attachments: # <a href="#">1</a> Exhibit E)Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(Sinclair, J)
09/13/2013		<b>CORRECTIVE ENTRY - The entry docket number <a href="#">22</a> MOTION to Exclude <i>Expert Testimony of Professor Alain Enthoven</i> filed by St. Luke's Regional Medical Center, Ltd, Saint Alphonsus Health System Inc, Saltzer Medical Group, Federal Trade Commission, Saint Alphonsus Medical Center - Nampa Inc, State of Idaho, St Luke's Health System Ltd, St. Luke's Health System, LTD, Saint Alphonsus Regional Medical Center, Inc., Treasure Valley Hospital Limited Partnership, Blue Cross of Idaho Health Services Inc was filed incorrectly in this case. On 3/19/2013, docket #18, an Order was entered consolidating this case with 1:12-cv-00560-BLW-REB. All filings from that time on are ONLY to be filed in the lead case of 1:12-cv-00560-BLW-REB. No action is needed by the filing party as it appears all of these submissions were all filed in the lead case. Please do not spread filings into this case.(krb)</b>
09/13/2013	<a href="#">34</a>	MEMORANDUM in Opposition re (172 in 1:12-cv-00560-BLW-REB) MOTION in Limine to <i>Exclude Certain Testimony of Defendants' Expert Lisa Ahern</i> filed by St Luke's Health System Ltd, St. Luke's Health System, LTD, St. Luke's Regional Medical Center, Ltd. Replies due by 9/30/2013. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5) Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(Sinclair, J)
10/07/2013	<a href="#">35</a>	MEMORANDUM in Opposition re (250 in 1:12-cv-00560-BLW-REB) MOTION to Intervene <i>Request for Expedited Hearing and Motion to Intervene for Immediate Access to Remaining Trial Proceedings, Unredacted Access to Trial Transcripts and Unredacted Videotaped Depositions and Exhibits as Used at Trial</i> filed by Primary Health Medical Group. Replies due by 10/24/2013. (Attachments: # <a href="#">1</a> Declaration of David Peterman, M.D.)Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(Randolph, Scott) Modified on 10/7/2013 to correct name of filing party per their request (cjm).
10/07/2013		<b>CORRECTIVE ENTRY - The entry docket number (35 in 1:13-cv-00116-BLW, 297 in 1:12-cv-00560-BLW-REB) Memorandum in Opposition to Motion,, filed by Primary Health Medical Group, Primary Health, Inc. was filed incorrectly in this case. Per the Order of Consolidation entered 3/19/2013, at docket #92 in the lead case and docket #18 in the member case, ALL filing shall be done in the lead case only. The filing party is reminded not to spread filings but to file only in the lead case.</b> Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(cjm)
10/07/2013	<a href="#">36</a>	JOINDER by Movant Regence Blueshield of Idaho, Inc. joining (250 in 1:12-cv-00560-BLW-REB) MOTION to Intervene <i>Request for Expedited Hearing and Motion to Intervene for Immediate Access to Remaining Trial Proceedings, Unredacted Access to Trial Transcripts and Unredacted Videotaped Depositions and Exhibits as Used at Trial</i> . (Attachments: # <a href="#">1</a> Affidavit) Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(Walters, Matthew)
10/08/2013		

		<b>CORRECTIVE ENTRY</b> - The entry docket number <a href="#">36</a> in 1:13-cv-00116-BLW Joinder by Movant Regence Blueshield of Idaho, Inc. was filed incorrectly in this case. Per the Order of Consolidation entered 3/19/2013, at docket #92 in the lead case and docket #18 in the member case, ALL filing shall be done in the lead case only. The filing party is reminded not to spread filings but to file only in the lead case. Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW (st)
10/14/2013	<a href="#">37</a>	AFFIDAVIT in Opposition re (250 in 1:12-cv-00560-BLW-REB) MOTION to Intervene <i>Request for Expedited Hearing and Motion to Intervene for Immediate Access to Remaining Trial Proceedings, Unredacted Access to Trial Transcripts and Unredacted Videotaped Depositions and Exhibits as Used at Trial Samuel A. Diddle</i> filed by Blue Cross of Idaho Health Services Inc. Replies due by 10/31/2013. Associated Cases: 1:12-cv-00560-BLW-REB, 1:13-cv-00116-BLW(Diddle, Samuel)
02/28/2014	<a href="#">38</a>	JUDGMENT in accordance with the Findings of Fact and Conclusions of Law 464 . NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that St Lukes acquisition of the Saltzer Medical Group violates § 7 of the Clayton Act and the Idaho Competition Act. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that St. Lukes is permanently enjoined from acquiring the Saltzer Medical Group. Signed by Judge B. Lynn Winmill. Associated Cases: 1:12-cv-00560-BLW, 1:13-cv-00116-BLW(caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjm)