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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

SAINT ALPHONSUS MEDICAL CENTER,  
NAMPA, INC., TREASURE VALLEY  
HOSPITAL LIMITED PARTNERSHIP,  
SAINT ALPHONSUS HEALTH SYSTEM,  
INC., AND SAINT ALPHONSUS  
REGIONAL MEDICAL CENTER, INC.,

Plaintiffs,

v.

ST. LUKE'S HEALTH SYSTEM, LTD, and  
ST. LUKE'S REGIONAL MEDICAL  
CENTER, LTD.,

Defendants.

Case No. 1:12-cv-00560-BLW (Lead  
Case)

**MOTION OF ST. LUKE'S  
HEALTH SYSTEM, LTD. AND  
ST. LUKE'S REGIONAL  
MEDICAL CENTER, LTD. FOR  
PARTIAL SUMMARY  
JUDGMENT AS TO PRIVATE  
PLAINTIFFS' PRICE-BASED  
CLAIMS**

FEDERAL TRADE COMMISSION; STATE  
OF IDAHO

Plaintiffs, v.

ST. LUKE'S HEALTH SYSTEM, LTD.;  
SALTZER MEDICAL GROUP, P.A.

Defendants

Case No. 1:13-cv-00116-BLW

Pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, Defendants St. Luke's Health System, Ltd. and St. Luke's Regional Medical Center, Ltd. (collectively, "St. Luke's") respectfully move for partial summary judgment as to the claims asserted by plaintiffs Saint Alphonsus Medical Center, Nampa, Inc., Saint Alphonsus Health System, Inc., Saint Alphonsus Regional Medical Center, Inc. (collectively, "Saint Al's"), and Treasure Valley Hospital Limited Partnership ("TVH"), to the effect that the challenged affiliation between Saltzer Medical Group ("Saltzer") and St. Luke's will result in higher prices as a result of the exercise of market power. As set forth in the attached Memorandum of Points and Authorities of St. Luke's Health System, Ltd. and St. Luke's Regional Medical Center, Ltd. in Support of Their Motion for Partial Summary Judgment as to Private Plaintiffs' Price-Based Claims ("Memorandum"), Saint Al's and TVH lack standing to assert claims based on alleged price increases.

For the reasons set forth in the attached Memorandum, partial summary judgment should be granted as to the private plaintiffs' claims, to the extent those claims are based on supposed increases in price as a result of the Saltzer transaction. Accordingly, the private plaintiffs should not be permitted to introduce evidence that the Saltzer transaction will harm consumers by raising price in an anticompetitive fashion. Nor should they be permitted to seek damages on a theory of an increase in price resulting from that transaction.

**MOTION OF ST. LUKE'S HEALTH SYSTEM, LTD. AND ST. LUKE'S  
REGIONAL MEDICAL CENTER, LTD. FOR PARTIAL SUMMARY  
JUDGMENT AS TO PRIVATE PLAINTIFFS' PRICE-BASED CLAIMS – Page 1**

DATED: July 23, 2013.

STOEL RIVES LLP

/s/ J. Walter Sinclair

J. Walter Sinclair

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Scott D. Stein (*admitted pro hac vice*)

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Attorneys for St. Luke's Health System, Ltd.

**MOTION OF ST. LUKE'S HEALTH SYSTEM, LTD. AND ST. LUKE'S  
REGIONAL MEDICAL CENTER, LTD. FOR PARTIAL SUMMARY  
JUDGMENT AS TO PRIVATE PLAINTIFFS' PRICE-BASED CLAIMS – Page 2**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 23, 2013, I filed the foregoing **MOTION OF ST. LUKE'S HEALTH SYSTEM, LTD. AND ST. LUKE'S REGIONAL MEDICAL CENTER, LTD. FOR PARTIAL SUMMARY JUDGMENT AS TO PRIVATE PLAINTIFFS' PRICE-BASED CLAIMS** electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected in the Notice of Electronic Filing:

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By: /s/ J. Walter Sinclair  
J. Walter Sinclair

**MOTION OF ST. LUKE'S HEALTH SYSTEM, LTD. AND ST. LUKE'S REGIONAL MEDICAL CENTER, LTD. FOR PARTIAL SUMMARY JUDGMENT AS TO PRIVATE PLAINTIFFS' PRICE-BASED CLAIMS – Page 3**