

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 14-35173	Docketed: 03/07/2014								
Nature of Suit: 1410 Antitrust Saint Alphonsus Medical Center, et al v. St. Luke's Health System, LTD, et al									
Appeal From: U.S. District Court for Idaho, Boise									
Fee Status: Paid									
Case Type Information: 1) civil 2) united states 3) null									
Originating Court Information: District: 0976-1 : 1:12-cv-00560-BLW Court Reporter: Tamara Idylene Hohenleitner, Court Reporter Trial Judge: B. Lynn Winmill, Chief District Judge Date Filed: 11/12/2012 Date Order/Judgment: 02/28/2014 Date Order/Judgment EOD: 02/28/2014 Date NOA Filed: 03/04/2014 Date Rec'd COA: 03/04/2014 District: 0976-1 : 1:13-cv-00116-BLW Court Reporter: Tamara Idylene Hohenleitner, Court Reporter Trial Judge: B. Lynn Winmill, Chief District Judge									
Prior Cases: None									
Current Cases:									
Companion	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Lead</th> <th style="text-align: center;">Member</th> <th style="text-align: center;">Start</th> <th style="text-align: center;">End</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">13-73931</td> <td style="text-align: center;">14-35173</td> <td style="text-align: center;">03/07/2014</td> <td></td> </tr> </tbody> </table>	Lead	Member	Start	End	13-73931	14-35173	03/07/2014	
Lead	Member	Start	End						
13-73931	14-35173	03/07/2014							

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v.

ST. LUKE'S HEALTH SYSTEM, LTD
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SAINT ALPHONSUS MEDICAL CENTER - NAMPA INC; SAINT ALPHONSUS HEALTH SYSTEM INC; SAINT ALPHONSUS REGIONAL MEDICAL CENTER, INC.; TREASURE VALLEY HOSPITAL LIMITED PARTNERSHIP; FEDERAL TRADE COMMISSION; STATE OF IDAHO,

Plaintiffs - Appellees,

and

IDAHO STATESMAN PUBLISHING, LLC; THE ASSOCIATED PRESS; IDAHO PRESS CLUB; IDAHO PRESS-TRIBUNE LLC; LEE PUBLICATIONS INC.,

Intervenors,

v.

ST. LUKE'S HEALTH SYSTEM, LTD; ST. LUKE'S REGIONAL MEDICAL CENTER, LTD; SALTZER MEDICAL GROUP,

Defendants - Appellants.

03/07/2014	<input type="checkbox"/> 1 17 pg, 639.12 KB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 03/14/2014. Transcript ordered by 04/03/2014. Transcript due 05/05/2014. Appellants Saltzer Medical Group, St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd opening brief due 06/12/2014. Appellees Federal Trade Commission, STATE OF IDAHO, Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc. and Treasure Valley Hospital Limited Partnership answering brief due 07/14/2014. Appellant's optional reply brief is due 14 days after service of the answering brief. [9007520] (RT)
03/07/2014	<input type="checkbox"/> 2 6 pg, 268.34 KB	Filed (ECF) Appellants Saltzer Medical Group, St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd Correspondence: Copy of Representation Statement filed in District Court. Date of service: 03/05/2014 [9007584] (JWS)
03/13/2014	<input type="checkbox"/> 3 8 pg, 334.18 KB	Filed (ECF) Appellants Saltzer Medical Group, St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd Mediation Questionnaire. Date of service: 03/13/2014. [9015097] (JWS)
03/18/2014	<input type="checkbox"/> 4 2 pg, 13.55 KB	Filed (ECF) notice of appearance of Joel Robert Marcus for Appellee FTC. Date of service: 03/18/2014. [9019636] (JM)
03/18/2014	<input type="checkbox"/> 5	Added attorney Joel Marcus for FTC [9019745] (RL)
03/18/2014	<input type="checkbox"/> 6 2 pg, 104.67 KB	Filed (ECF) notice of appearance of Eric J. Wilson for Appellee STATE OF IDAHO. Date of service: 03/18/2014. [9020943] (EJW)
03/18/2014	<input type="checkbox"/> 7	Added attorney Eric John Wilson for STATE OF IDAHO. [9020973] (RL)
03/18/2014	<input type="checkbox"/> 8 2 pg, 403.65 KB	Filed (ECF) notice of appearance of Raymond D. Powers for Appellee Treasure Valley Hospital Limited Partnership. Date of service: 03/18/2014. [9021227] (RDP)
03/18/2014	<input type="checkbox"/> 9	Added attorney Raymond D. Powers for Treasure Valley Hospital Limited Partnership. [9021245] (RL)
03/18/2014	<input type="checkbox"/> 10 2 pg, 13.65 KB	Filed (ECF) notice of appearance of Keely E. Duke for Appellees Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc. and Treasure Valley Hospital Limited Partnership. Date of service: 03/18/2014. [9021247] (KED)
03/18/2014	<input type="checkbox"/> 11	Added attorney Keely Elizabeth Duke for Saint Alphonsus Health System Inc Saint Alphonsus Regional Medical Center, Inc. Saint Alphonsus Medical Center - Nampa Inc. [9021309] (RL)
03/19/2014	<input type="checkbox"/> 12 2 pg, 101.07 KB	Filed (ECF) notice of appearance of Brian C. Wonderlich for Appellants St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd. Date of service: 03/19/2014. [9021876] (BCW)
03/19/2014	<input type="checkbox"/> 13	Added attorney Brian Clayton Wonderlich for St. Luke's Regional Medical Center, Ltd St. Luke's Health System, LTD. [9021901] (RL)
04/03/2014	<input type="checkbox"/> 14 2 pg, 28.07 KB	Filed (ECF) notice of appearance of David A. Ettinger for Appellees Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc and Saint Alphonsus Regional Medical Center, Inc.. Date of service: 04/03/2014. [9042807] (DAE)
04/03/2014	<input type="checkbox"/> 15	Added attorney David A. Ettinger for Saint Alphonsus Health System Inc Saint Alphonsus Regional Medical Center, Inc. Saint Alphonsus Medical Center - Nampa Inc.. [9042859] (RL)
04/03/2014	<input type="checkbox"/> 16 2 pg, 412.28 KB	Filed (ECF) notice of appearance of Brian K. Julian for Appellant Saltzer Medical Group. Date of service: 04/03/2014. [9042878] (BKJ)
04/03/2014	<input type="checkbox"/> 17	Added attorney Brian K. Julian for Saltzer Medical Group. [9042899] (RL)
04/07/2014	<input type="checkbox"/> 18 4 pg, 135.92 KB	Filed (ECF) Appellants Saltzer Medical Group, St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd Correspondence: Notice re: Transcripts filed with District Court as Dkt #492. Date of service: 04/07/2014 [9046963] (JWS)
06/12/2014	<input type="checkbox"/> 19 2 pg, 383.38 KB	Filed (ECF) notice of appearance of Ben Keith for Appellants St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd. Date of service: 06/12/2014. [9130073] (JRB)
06/12/2014	<input type="checkbox"/> 20 80 pg, 193.34 KB	Submitted (ECF) Opening Brief for review. Submitted by Appellants Saltzer Medical Group, St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd. Date of service: 06/12/2014. [9130894] (JRB)
06/12/2014	<input type="checkbox"/> 21 363 pg, 27.11 MB	Submitted (ECF) excerpts of record. Submitted by Appellants Saltzer Medical Group, St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd. Date of service: 06/12/2014. [9130961]--[Edited: Attached volume 2 of excerpts. 06/13/2014 by RY] (JRB)
06/12/2014	<input type="checkbox"/> 22	COURT DELETED DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Attached excerpts to Correct Entry: [21] . Original Text: Submitted (ECF) excerpts of record. Submitted by Appellants Saltzer Medical Group, St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd. Date of service: 06/12/2014. [9130966] (JRB)
06/13/2014	<input type="checkbox"/> 23	

Added attorney Benjamin James Keith for St. Luke's Regional Medical Center, Ltd St. Luke's Health System, LTD, in case 14-35173. [9131527] (HC)

06/13/2014 [24](#)
39 pg, 1.45 MB Received Appellants' notification of filing Volumes 3 and 4 of excerpts of record under seal, with DC protective orders attached. [9132353] (LA)

06/13/2014 [25](#)
2 pg, 197.18 KB Received UNDER SEAL Appellants' excerpts of record Volumes 3 and 4. Deficiencies: excerpts of record pages are double-sided. Notified counsel (see attached notice). [9132360] (LA)

06/16/2014 [26](#)
2 pg, 86.11 KB Filed clerk order: The opening brief [\[20\]](#) submitted by appellants is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the excerpts of record [\[21\]](#) submitted by appellants. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9133143] (TLH)

06/17/2014 [27](#) Received corrected deficiency of single-sided Volumes 3 and 4 of excerpts of record UNDER SEAL from Appellants. (waiting for paper copies of Volumes 1 and 2) [9137448] (LA)

06/19/2014 [28](#)
24 pg, 81.05 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by America's Essential Hospitals. Date of service: 06/19/2014. [9138172] (BDE)

06/19/2014 [29](#) Entered appearance of Amicus Curiae America's Essential Hospitals. [9138514] (LA)

06/19/2014 [30](#)
2 pg, 85.71 KB Filed clerk order: The amicus brief [\[28\]](#) submitted by America's Essential Hospitals is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9138518] (LA)

06/19/2014 [31](#) Filed Appellants' paper copies of excerpts of record [\[21\]](#) in 4 volume(s) (Volumes 3 and 4 UNDER SEAL). [9139078] (TLH)

06/19/2014 [32](#) Received 7 paper copies of Opening brief [\[20\]](#) filed by appellants. [9139275] (SD)

06/19/2014 [33](#) COURT DELETED DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [\[37\]](#). Original Text: Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by INTERNATIONAL CENTER OF LAW & ECONOMICS, and MEDICAID DEFENSE FUND. Date of service: 06/19/2014. [9139545] (LSC)

06/19/2014 [34](#) COURT DELETED DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [\[37\]](#). Original Text: Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by (1) INTERNATIONAL CENTER OF LAW & ECONOMICS and (2) MEDICAID DEFENSE FUND. Date of service: 06/19/2014. [9139546] (LSC)

06/19/2014 [35](#) COURT DELETED DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [\[37\]](#). Original Text: Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by (1) INTERNATIONAL CENTER OF LAW & ECONOMICS and (2) MEDICAID DEFENSE FUND. Date of service: 06/19/2014. [9139547] (LSC)

06/19/2014 [36](#) COURT DELETED DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [\[37\]](#). Original Text: Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by INTERNATIONAL CENTER OF LAW & ECONOMICS and (2) MEDICAID DEFENSE FUND. Date of service: 06/19/2014. [9139548] (LSC)

06/19/2014 [37](#)
45 pg, 518.25 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by (1) INTERNATIONAL CENTER OF LAW & ECONOMICS and (2) MEDICAID DEFENSE FUND. Date of service: 06/19/2014. [9139550] (LSC)

06/20/2014 [38](#) Entered appearance of Amici Curiae International Center for Law & Economics and Medicaid Defense Fund. [9139847] (LA)

06/20/2014 [39](#)
2 pg, 86.22 KB Filed clerk order: The amicus brief [\[37\]](#) submitted by International Center for Law & Economics and Medicaid Defense Fund is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9139934] (LA)

06/20/2014 [40](#) Received 7 paper copies of Amicus brief [\[28\]](#) filed by America's Essential Hospitals. [9143370] (DB)

06/24/2014 [41](#)
88 pg, 367.92 KB Filed (ECF) Appellants Saltzer Medical Group, St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd Urgent Motion to stay lower court action. Date of service: 06/24/2014. [9144443] (JRB)

06/25/2014

- [42](#) Filed (ECF) Appellants Saltzer Medical Group, St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd Correspondence: District court stay pending ruling on Appellants motion under Rule 8 (a)(2). Date of service: 06/25/2014 [9145883] (JRB)
4 pg, 343.77 KB
- 06/25/2014 43 Received 7 paper copies of Amicus brief [\[37\]](#) filed by International Center for Law & Economics and Medicaid Defense Fund. [9146132] (DB)
- 06/25/2014 [44](#) Received Appellants Saltzer Medical Group, St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd notification of necessity to file under seal exhibits C and D to motion of appellants for stay pending appeal. Served on 06/24/2014 [9146156] (RL)
37 pg, 1.36 MB
- 06/25/2014 45 Filed UNDER SEAL Appellants Saltzer Medical Group, St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd exhibits C and D to motion for stay pending appeal. Served on 06/24/2014. Sent to. [9146171] (RL)
- 06/27/2014 [46](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Medicaid Defense Fund. Date of service: 06/27/2014. [9149501] (LSC)
18 pg, 354.9 KB
- 07/03/2014 47 Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellees FTC and State of Idaho. New requested due date is 08/13/2014 at 11:00 pm. [9155582] (JM)
- 07/03/2014 48 **Streamlined request [47] by Appellees FTC and State of Idaho to extend time to file the brief is approved. Amended briefing schedule: Appellees Federal Trade Commission and State of Idaho answering brief due 08/13/2014. The optional reply brief is due 14 days after the last-served answering brief.** [9155930] (GS)
- 07/07/2014 [49](#) Filed (ECF) Appellees FTC and State of Idaho response opposing motion (,motion to stay lower court action). Date of service: 07/07/2014. [9158282] (JM)
25 pg, 129.79 KB
- 07/07/2014 [50](#) Filed (ECF) Appellees Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc. and Treasure Valley Hospital Limited Partnership response to motion (,motion to stay lower court action). Date of service: 07/07/2014. [9158757] (KED)
88 pg, 5.44 MB
- 07/07/2014 51 Received UNDER SEAL Appellee FTC notification of necessity to file under seal attachments to opposition to motion for stay. Served on 07/07/2014 [9159889] (RL)
- 07/07/2014 52 Received UNDER SEAL Appellee FTC appendix of sealed trial transcript excerpts. Served on 07/07/2014 [9159903] (RL)
- 07/07/2014 [53](#) Received Appellees Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc. and Treasure Valley Hospital Limited Partnership notification of necessity to file under seal exhibits 1 through 33 to Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc. and Treasure Valley Hospital Limited Partnership's response to motion of appellants motion for stay pending appeal. [9160119] (RL)
37 pg, 1.42 MB
- 07/07/2014 54 Received UNDER SEAL Appellees Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc. and Treasure Valley Hospital Limited Partnership exhibits 1 through 33 response to motion of appellants for stay pending appeal. Served on 07/06/2014 (Volume 1 & Volume 2) [9160145] (RL)
- 07/14/2014 55 Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellees Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc. and Treasure Valley Hospital Limited Partnership. New requested due date is 07/21/2014 at 11:00 pm. [9166759] (DAE)
- 07/14/2014 56 **Streamlined request [55] by Appellees Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc. and Treasure Valley Hospital Limited Partnership to extend time to file the brief is approved. Amended briefing schedule: Appellees Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc. and Treasure Valley Hospital Limited Partnership answering brief due 08/13/2014. The optional reply brief is due 14 days from the date of service of the last-served answering brief.** [9166986] (TH)
- 07/14/2014 [57](#) Filed (ECF) Appellants St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd reply to response (, ,motion to stay lower court action). Date of service: 07/14/2014. [9168452] (JRB)
35 pg, 3.03 MB
- 07/15/2014 [58](#) Received Appellants Saltzer Medical Group, St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd notification of necessity to file under seal exhibits E and H to reply in support of appellants' motion for stay pending appeal. [9169928] (RL)
38 pg, 1.43 MB
- 07/15/2014 59 Received UNDER SEAL Appellants Saltzer Medical Group, St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd exhibits E and H to reply in support of appellants' motion for stay pending appeal. Served on 07/14/2014 [9169937] (RL)
- 07/16/2014 [60](#) Submitted (ECF) Answering Brief and supplemental excerpts of record for review. Submitted by Appellees Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus
310 pg, 14.4 MB

Regional Medical Center, Inc. and Treasure Valley Hospital Limited Partnership. Date of service: 07/16/2014. [9170865] (KED)

- 07/16/2014 [61](#)
2 pg, 86.12 KB
Filed clerk order: The answering brief [60] submitted by Saint Alphonsus Health System Inc, et al. is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the supplemental excerpts of record [60] submitted by Saint Alphonsus Health System Inc, et al. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9171006] (TLH)
- 07/16/2014 [62](#)
32 pg, 558.17 KB
Filed (ECF) Appellees FTC, Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc., State of Idaho and Treasure Valley Hospital Limited Partnership Urgent Motion for miscellaneous relief [Motion for leave to file surreply pleading]. Date of service: 07/16/2014. [9171780] (JM)
- 07/16/2014 [64](#)
41 pg, 1.45 MB
Received Appellees FTC, Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc., State of Idaho and Treasure Valley Hospital Limited Partnership notification of necessity to file under seal exhibits 6 through 10 to the sur-reply in opposition to motion of appellant's for stay pending appeal. [9173484] (RL)
- 07/16/2014 65
Received UNDER SEAL Appellees FTC, Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc., State of Idaho and Treasure Valley Hospital Limited Partnership exhibits 6 through 10 to the sur-reply in opposition to motion of appellants for stay pending appeal. Served on 07/16/2014 [9173501] (RL)
- 07/17/2014 [63](#)
27 pg, 370.26 KB
Filed (ECF) Appellants Saltzer Medical Group, St. Luke's Health System, LTD and St. Luke's Regional Medical Center, Ltd response opposing motion (,motion for miscellaneous relief (to be used only if no other relief applies)). Date of service: 07/17/2014. [9173000] (JRB)
- 07/17/2014 [67](#)
39 pg, 1.44 MB
Received Appellees Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc. and Treasure Valley Hospital Limited Partnership notice of filing under seal of Volume 2-5 of supplemental excerpts of record under seal with DC protective orders attached. [9174346] (TLH)
- 07/18/2014 66
Received 7 paper copies of Answering brief [60] filed by Saint Alphonsus Health System Inc., et al. [9173970] (SD)
- 07/18/2014 68
Filed Appellees Saint Alphonsus Health System Inc, Saint Alphonsus Medical Center - Nampa Inc, Saint Alphonsus Regional Medical Center, Inc. and Treasure Valley Hospital Limited Partnership paper copies of supplemental excerpts of record [60] in 5 volumes (Volumes 2-5 UNDER SEAL). [9174350] (TLH)
- 07/22/2014 [69](#)
2 pg, 15.3 KB
Filed (ECF) notice of appearance of David C. Shonka for Appellee FTC. Date of service: 07/22/2014. [9177700] (JM)
- 07/25/2014 [70](#)
2 pg, 47.13 KB
Filed order (ALEX KOZINSKI, MICHAEL DALY HAWKINS and KIM MCLANE WARDLAW) Appellees' opposed "motion for leave to file sur-reply in opposition to motion of appellants for stay pending appeal" is granted. The Clerk shall file the surreply. The Clerk shall file the "Brief For Amicus Curiae Medicaid Defense Fund In Support of Defendants-Appellants Urgent Motion For A Stay" (docket No. 46). Now, having considered the stay motion and all responses/replies thereto, appellants' motion to stay the district court's January 24, 2014 order pending appeal is granted. See Hilton v. Braunskill, 481 U.S. 770, 776 (1987). The court sua sponte expedites the briefing and hearing of this appeal. The opening brief has been filed. The answering brief of appellees Saint Alphonsus Medical Center - Nampa, Inc., Saint Alphonsus Health System, Inc., Saint Alphonsus Regional Medical Center, Inc., and Treasure Valley Hospital Limited Partnership has been filed. The answering brief of appellees Federal Trade Commission and State of Idaho remains due August 13, 2014, and the optional reply brief is due within fourteen days after the last filed answering brief. Any further request for an extension of time to file a brief is disfavored; any such relief must be requested under Ninth Circuit Rule 31-2.2(b). The Clerk shall calendar the appeal on the earliest available argument calendar. [9181630] (TSP)
- 07/25/2014 [71](#)
2 pg, 85.7 KB
Filed clerk order: The amicus brief [46] submitted by Medicaid Defense Fund is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9182284] (LA)

- Documents and Docket Summary**
- Documents Only**

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