

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

FEDERAL TRADE COMMISSION

And

STATE OF ILLINOIS

Plaintiffs,

v.

ADVOCATE HEALTH CARE NETWORK,

ADVOCATE HEALTH AND HOSPITALS  
CORPORATION,

And

NORTHSHORE UNIVERSITY  
HEALTHSYSTEM

Defendants.

No. 15-cv-11473  
Judge Jorge L. Alonso  
Magistrate Judge Jeffrey Cole

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs the Federal Trade Commission (the "Commission") and the State of Illinois (together with the Commission, "Plaintiffs") respectfully move the Court, pursuant to Section 13(b) of the Federal Trade Commission Act, 15 U.S.C. § 53(b), and Section 16 of the Clayton Act, 15 U.S.C. § 26, for a preliminary injunction enjoining Defendants Advocate Health Care Network ("AHCN"), Advocate Health and Hospitals Corporation ("AHHC," and together with AHCN, "Advocate"), and NorthShore University HealthSystem ("NorthShore," and together with Advocate, "Defendants"), including their divisions, subsidiaries, affiliates, partnerships, and

joint ventures, from consummating their affiliation agreement executed on September 11, 2014 (the “Merger”), or otherwise acquiring each other’s assets or interests.

In support of their Motion, Plaintiffs state the following:

1. Pursuant to Section 13(b) of the Federal Trade Commission Act, 15 U.S.C. § 53(b), and Section 16 of the Clayton Act, 15 U.S.C. § 26, Plaintiffs have filed in this Court a complaint seeking a preliminary injunction to preserve the *status quo* and prevent Defendants from affiliating or acquiring each other’s assets or other interests, pending final disposition of the Commission’s full administrative proceeding on the merits scheduled to begin on May 24, 2016.
2. Plaintiffs are likely to prevail on the merits at the administrative hearing because there is reason to believe that, if Defendants are permitted to consummate the Merger, Defendants will violate Section 7 of the Clayton Act, 15 U.S.C. § 18, by substantially lessening competition or tending to create a monopoly in the relevant markets as alleged in Plaintiffs’ complaint.
3. A preliminary injunction is in the public interest because such relief will preserve competition by maintaining the *status quo* and will enable the Commission to order effective antitrust relief, if warranted, after an administrative adjudication of the merits of the case.

WHEREFORE, for these reasons and the reasons set forth in the accompanying Memorandum in Support, in their reply brief, and such other pleadings and argument as Plaintiffs may present in support of their motion, Plaintiffs respectfully request that this Court issue an order enjoining Defendants from affiliating or acquiring each other’s assets or other interests, pending final disposition of the Commission’s full administrative proceeding on the merits.

A proposed preliminary injunction order will be e-mailed to the Court pursuant to Judge Jorge L. Alonso's Case Management Procedures.

Dated: February 26, 2016

Respectfully Submitted,

/s/ J. Thomas Greene  
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*Counsel for Plaintiff State of Illinois*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 26th day of February, 2016, I filed and served the foregoing on all counsel of record via the Court's electronic filing system.

/s/ Jennifer Milici  
Jennifer Milici  
Attorney for Plaintiff Federal Trade Commission