

**General Docket  
Third Circuit Court of Appeals**

<b>Court of Appeals Docket #:</b> 21-2603		<b>Docketed:</b> 08/25/2021
<b>Nature of Suit:</b> 1410 Antitrust		<b>Termed:</b> 03/22/2022
FTC v. Hackensack Meridian Health Inc, et al		
<b>Appeal From:</b> United States District Court for the District of New Jersey		
<b>Fee Status:</b> Paid		
<b>Case Type Information:</b>		
1) civil		
2) United States as party		
3) Other civil		
<b>Originating Court Information:</b>		
<b>District:</b> 0312-2 : <a href="#">2-20-cv-18140</a>		
<b>Trial Judge:</b> John M. Vazquez, U.S. District Judge		
<b>Date Filed:</b> 12/04/2020		
<b>Date Order/Judgment:</b>	<b>Date Order/Judgment EOD:</b>	<b>Date NOA Filed:</b>
08/04/2021	08/19/2021	08/25/2021
<b>Prior Cases:</b>		
None		
<b>Current Cases:</b>		
None		

FEDERAL TRADE COMMISSION  
Plaintiff - Appellee

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v.

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Defendant - Appellant

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FEDERAL TRADE COMMISSION

v.


HACKENSACK MERIDIAN HEALTH INC;  
ENGLEWOOD HEALTHCARE FOUNDATION,  
Appellants


08/25/2021	<input type="checkbox"/> <a href="#">1</a> 	CIVIL CASE DOCKETED. Notice filed by Appellants Englewood Healthcare Foundation and Hackensack Meridian Health Inc in District Court No. 2-20-cv-18140. (PDB) [Entered: 08/25/2021 05:50 PM]
08/25/2021	<input type="checkbox"/> <a href="#">2</a>	RECORD available on District Court CM/ECF. (PDB) [Entered: 08/25/2021 05:54 PM]
08/25/2021	<input type="checkbox"/> <a href="#">3</a> 1 pg, 79.17 KB	ORDER (Clerk) The District Court granted motions to seal documents in the district court. Additionally, the order on appeal was sealed by the district court. When the district court seals part or all of the documents in a civil case, the seal on those documents will continue for thirty (30) days after the filing of the notice of appeal. Counsel must file a motion to continue the seal pursuant to 3d Cir. Misc. L.A.R. 106.1(c)(2), within this thirty-day period, or the seal will be lifted. Any motion under 3d Cir. Misc. L.A.R. 106.1(c)(2) should specify the scope of the relief requested, the basis for sealing, and the desired duration of the sealing order. All parties are directed to use the CM/ECF events preceded by the word SEALED whenever filing any documents which may contain sealed material. All hard copies of documents submitted to this Court should be properly labeled that they are SEALED and provided in a clearly marked envelope. It is counsel's responsibility to ensure that any documents subject to this order are properly filed under SEAL, filed. (PDB) [Entered: 08/25/2021 06:00 PM]
08/25/2021	<input type="checkbox"/> <a href="#">4</a> 1 pg, 145.97 KB	ECF FILER: ENTRY OF APPEARANCE from Paul H. Saint-Antoine on behalf of Appellant(s) Hackensack Meridian Health, Inc.. [21-2603] (PHS) [Entered: 08/25/2021 07:00 PM]
08/25/2021	<input type="checkbox"/> <a href="#">5</a> 1 pg, 146.79 KB	ECF FILER: ENTRY OF APPEARANCE from Aaron D. Van Oort on behalf of Appellant(s) Hackensack Meridian Health, Inc.. [21-2603] (PHS) [Entered: 08/25/2021 07:03 PM]
08/25/2021	<input type="checkbox"/> <a href="#">6</a> 1 pg, 145.84 KB	ECF FILER: ENTRY OF APPEARANCE from Daniel J. Delaney on behalf of Appellant(s) Hackensack Meridian Health, Inc.. [21-2603] (PHS) [Entered: 08/25/2021 07:08 PM]
08/25/2021	<input type="checkbox"/> <a href="#">7</a> 1 pg, 147.01 KB	ECF FILER: ENTRY OF APPEARANCE from Jeffrey L Kessler on behalf of Appellant(s) Englewood Healthcare Foundation. [21-2603] (JLK) [Entered: 08/25/2021 07:38 PM]
08/25/2021	<input type="checkbox"/> <a href="#">8</a> 1 pg, 175.46 KB	ECF FILER: ENTRY OF APPEARANCE from Heather P. Lamberg on behalf of Appellant(s) Englewood Healthcare Foundation. [21-2603] (HPL) [Entered: 08/25/2021 07:47 PM]
08/25/2021	<input type="checkbox"/> <a href="#">9</a> 1 pg, 175.39 KB	ECF FILER: ENTRY OF APPEARANCE from Andrew Tauber on behalf of Appellant(s) Englewood Healthcare Foundation. [21-2603] (AT) [Entered: 08/25/2021 07:50 PM]
08/25/2021	<input type="checkbox"/> <a href="#">10</a> 1 pg, 146.31 KB	ECF FILER: ENTRY OF APPEARANCE from Kenneth M. Vorrasi on behalf of Appellant(s) Hackensack Meridian Health, Inc.. [21-2603] (KMV) [Entered: 08/25/2021 08:11 PM]
08/25/2021	<input type="checkbox"/> <a href="#">11</a> 1 pg, 146.13 KB	ECF FILER: ENTRY OF APPEARANCE from John L. Roach, IV on behalf of Appellant(s) Hackensack Meridian Health, Inc.. [21-2603] (JLR) [Entered: 08/25/2021 08:14 PM]
08/25/2021	<input type="checkbox"/> <a href="#">12</a> 1 pg, 146 KB	ECF FILER: ENTRY OF APPEARANCE from Jonathan H. Todt on behalf of Appellant(s) Hackensack Meridian Health, Inc.. [21-2603] (JT) [Entered: 08/25/2021 08:17 PM]
08/25/2021	<input type="checkbox"/> <a href="#">13</a> 1 pg, 147.33 KB	ECF FILER: ENTRY OF APPEARANCE from John S. Yi on behalf of Appellant(s) Hackensack Meridian Health, Inc.. [21-2603] (JSY) [Entered: 08/25/2021 08:20 PM]
08/25/2021	<input type="checkbox"/> <a href="#">14</a> 1 pg, 147.5 KB	ECF FILER: ENTRY OF APPEARANCE from Alison M. Agnew on behalf of Appellant(s) Hackensack Meridian Health, Inc.. [21-2603] (AMA) [Entered: 08/25/2021 08:22 PM]
08/26/2021	<input type="checkbox"/> <a href="#">15</a> 1 pg, 82.57 KB	ECF FILER: ENTRY OF APPEARANCE from Mariel Goetz on behalf of Appellee(s) Federal Trade Commission. [21-2603] (MG) [Entered: 08/26/2021 03:51 PM]
08/26/2021	<input type="checkbox"/> <a href="#">16</a> 2 pg, 50.51 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Appellant Englewood Healthcare Foundation. [21-2603] (JLK) [Entered: 08/26/2021 04:41 PM]
08/26/2021	<input type="checkbox"/> <a href="#">17</a> 137 pg, 4.15 MB	ECF FILER: Motion filed by Appellant Englewood Healthcare Foundation to Expedite Case. Certificate of Service dated 08/26/2021. Service made by ECF. [21-2603] (JLK) [Entered: 08/26/2021 05:24 PM]
08/26/2021	<input type="checkbox"/> <a href="#">18</a> 2 pg, 46.05 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Appellant Hackensack Meridian Health Inc. [21-2603] (PHS) [Entered: 08/26/2021 05:30 PM]
08/26/2021	<input type="checkbox"/> <a href="#">19</a> 2 pg, 119.31 KB	ECF FILER: CIVIL INFORMATION STATEMENT on behalf of Appellants Hackensack Meridian Health Inc and Englewood Healthcare Foundation. [21-2603] (PHS) [Entered: 08/26/2021 05:33 PM]
08/26/2021	<input type="checkbox"/> <a href="#">20</a> 1 pg, 111.8 KB	ECF FILER: Transcript Purchase Order Form (Part 1) filed by Appellants Hackensack Meridian Health Inc and Englewood Healthcare Foundation advising this court that transcripts are already on file in the District Court. [21-2603] (PHS) [Entered: 08/26/2021 05:43 PM]
08/26/2021	<input type="checkbox"/> <a href="#">21</a>	TEXT ONLY ORDER (Clerk) Appellee's response in opposition to the motion to expedite must be filed on or before 5:00 pm on Wednesday, September 1, 2021. (KAG) [Entered: 08/26/2021 06:31 PM]



- 08/26/2021  [22](#) ECF FILER: Concise Summary of the Case filed by Appellants Hackensack Meridian Health Inc and Englewood Healthcare Foundation. [21-2603] (PHS) [Entered: 08/26/2021 11:19 PM]  
71 pg, 791.34 KB
- 08/27/2021  [23](#) ECF FILER: ENTRY OF APPEARANCE from David E. Dahlquist on behalf of Appellant(s) Englewood Healthcare Foundation. [21-2603] (DED) [Entered: 08/27/2021 11:56 AM]  
1 pg, 175.15 KB
- 08/27/2021  [24](#) ECF FILER: ENTRY OF APPEARANCE from Neely B. Agin on behalf of Appellant(s) Englewood Healthcare Foundation. [21-2603] (NBA) [Entered: 08/27/2021 12:09 PM]  
1 pg, 167.61 KB
- 08/27/2021  [25](#) ECF FILER: ENTRY OF APPEARANCE from Jeffrey J. Amato on behalf of Appellant(s) Englewood Healthcare Foundation. [21-2603] (JJA) [Entered: 08/27/2021 12:11 PM]  
1 pg, 177.19 KB
- 08/27/2021  [26](#) ECF FILER: ENTRY OF APPEARANCE from Kevin B. Goldstein on behalf of Appellant(s) Englewood Healthcare Foundation. [21-2603] (KGB) [Entered: 08/27/2021 12:19 PM]  
1 pg, 176.68 KB
- 08/27/2021  [27](#) ECF FILER: ENTRY OF APPEARANCE from Johanna Rae Hudgens on behalf of Appellant(s) Englewood Healthcare Foundation. [21-2603] (JH) [Entered: 08/27/2021 12:39 PM]  
1 pg, 176.5 KB
- 09/01/2021  [28](#) ECF FILER: Response filed by Appellee FTC to motion. Certificate of Service dated 09/01/2021. [21-2603] (MG) [Entered: 09/01/2021 02:27 PM]  
17 pg, 177.16 KB
- 09/03/2021  [29](#) ORDER (BIBAS, Circuit Judge) The foregoing motion to expedite is granted in part. Appellants' Brief and Appendix shall be filed no later than Monday, September 15, 2021, at noon. Appellee's Response Brief shall be filed no later than Friday, October 29, 2021, at noon. Appellant's Reply Brief shall be due Friday, November 12, 2021, at noon. Appellee has been granted more than the usual time to reflect the complexity of the case; no extensions shall be granted. The Clerk is directed to set this case down for the next available panel. Panel No.: ACO-116-E. Bibas, Authoring Judge. (PDB) [Entered: 09/03/2021 10:06 AM]  
2 pg, 155.14 KB
- 09/03/2021  [30](#) AMENDED ORDER (BIBAS, Circuit Judges) The foregoing motion to expedite is granted in part. Appellants' Brief and Appendix shall be filed no later than Wednesday, September 15, 2021, at noon. Appellee's Response Brief shall be filed no later than Friday, October 29, 2021, at noon. Appellant's Reply Brief shall be due Friday, November 12, 2021, at noon. Appellee has been granted more than the usual time to reflect the complexity of the case; no extensions shall be granted. The Clerk is directed to set this case down for the next available panel. Panel No.: ACO-116-E. Bibas, Authoring Judge. (PDB) [Entered: 09/03/2021 08:04 PM]  
2 pg, 72.2 KB
- 09/15/2021  [31](#) ECF FILER: ELECTRONIC JOINT BRIEF on behalf of Appellants Hackensack Meridian Health Inc. and Englewood Healthcare Foundation. Certificate of Service dated 09/15/2021 by ECF. [21-2603][Edited docket text]--[Edited 09/15/2021 by MCW] (PHS) [Entered: 09/15/2021 10:33 AM]  
63 pg, 896.76 KB
- 09/15/2021  [32](#) ECF FILER: Unopposed Motion filed by Appellants Hackensack Meridian Health Inc and Englewood Healthcare Foundation for leave to file sealed portions of the Appendix. Certificate of Service dated 09/08/2021. Service made by ECF. [21-2603][Edited docket text][SEND TO MERITS PANEL]--[Edited 09/23/2021 by MCW] (PHS) [Entered: 09/15/2021 10:40 AM]  
17 pg, 1006.64 KB
- 09/15/2021  [33](#)  ECF FILER: SEALED ELECTRONIC APPENDIX on behalf of Appellants Hackensack Meridian Health Inc. and Englewood Healthcare Foundation. Certificate of Service dated 09/15/2021 by ECF. [21-2603][Edited docket text]--[Edited 09/15/2021 by MCW] (PHS) [Entered: 09/15/2021 10:46 AM]  
0 pg, 0 KB
- 09/15/2021  [34](#) ECF FILER: ELECTRONIC APPENDIX on behalf of Appellants Hackensack Meridian Health Inc. and Englewood Healthcare Foundation. Certificate of service dated 09/15/2021 by ECF. [21-2603][Edited docket text]--[Edited 09/15/2021 by MCW] (PHS) [Entered: 09/15/2021 10:50 AM]  
245 pg, 13.57 MB
- 09/15/2021  [35](#)  ECF FILER: SEALED ELECTRONIC APPENDIX on behalf of Appellants Hackensack Meridian Health Inc. and Englewood Healthcare Foundation. Certificate of Service dated 09/15/2021 by ECF. [21-2603][Edited docket text]--[Edited 09/15/2021 by MCW] (PHS) [Entered: 09/15/2021 10:53 AM]  
0 pg, 0 KB
- 09/21/2021  [36](#) HARD COPY RECEIVED from Appellants Englewood Healthcare Foundation and Hackensack Meridian Health Inc - Brief. Copies: 7. (KEL) [Entered: 09/21/2021 10:22 AM]
- 09/21/2021  [37](#) HARD COPY RECEIVED from Appellants Englewood Healthcare Foundation and Hackensack Meridian Health Inc - Appendix. Copies: 4. Volumes: 3. Volumes I & III submitted UNDER SEAL. (MS) [Entered: 09/21/2021 01:15 PM]
- 09/22/2021  [38](#) ECF FILER: ENTRY OF APPEARANCE from Steffen N. Johnson on behalf of Amicus Curiae American Hospital Association and Association of American Medical Colleges. [21-2603] (SNJ) [Entered: 09/22/2021 10:16 AM]  
1 pg, 298.91 KB
- 09/22/2021  [39](#) ECF FILER: ELECTRONIC AMICUS BRIEF on the merits on behalf of MICHAEL R. BAYE, KENNETH G. ELZINGA, GREGORY K. LEONARD, JANUSZ A. ORDOVER AND ROBERT D. WILLIG in support of Appellant/Petitioner. Certificate of Service dated 09/22/2021 by ECF. F.R.A.P. 29(a) Permission: YES. --[Edited 09/23/2021 by EAF - Text edited to remove indication of Addendum attached] [21-2603] (DRF) [Entered: 09/22/2021 10:24 AM]  
27 pg, 218.22 KB

- 09/22/2021  [40](#) ECF FILER: ENTRY OF APPEARANCE from David R. Fine on behalf of Amicus Curiae MICHAEL R. BAYE, KENNETH G. ELZINGA, GREGORY K. LEONARD, JANUSZ A. ORDOVER AND ROBERT D. WILLIG. [21-2603] (DRF) [Entered: 09/22/2021 10:26 AM]  
1 pg, 197.48 KB
- 09/22/2021  [41](#) ECF FILER: ELECTRONIC AMICUS BRIEF on the merits on behalf of Amici Curiae American Hospital Association and Association of American Medical Colleges in support of Appellant/Petitioner. Certificate of Service dated 09/22/2021 by ECF. F.R.A.P. 29(a) Permission: YES. [21-2603] (SNJ) [Entered: 09/22/2021 10:37 AM]  
27 pg, 385.74 KB
- 09/22/2021  [42](#) ECF FILER: ENTRY OF APPEARANCE from Jonathan Jacobson on behalf of Amicus Curiae American Hospital Association and Association of American Medical Colleges. [21-2603] (JMJ) [Entered: 09/22/2021 10:38 AM]  
1 pg, 303 KB
- 09/22/2021  [43](#) ECF FILER: ENTRY OF APPEARANCE from Paul N. Harold on behalf of Amicus Curiae American Hospital Association and Association of American Medical Colleges. [21-2603] (PH) [Entered: 09/22/2021 10:43 AM]  
1 pg, 298.64 KB
- 09/22/2021  [44](#) ECF FILER: Motion filed by New Jersey Hospital Association to proceed as amicus on the merits in support of Appellant/Petitioner, to file amicus appendix and to participate in oral argument. Certificate of Service dated 09/22/2021. --[Edited 09/27/2021 by EAF - Text edited to add relief - Appearance forms requested to re-file separately] --[Edited 10/12/2021 by EAF - Text edited and relief added] [21-2603] (RH) [Entered: 09/22/2021 08:57 PM]  
9 pg, 40.91 KB
- 09/22/2021  [45](#) ECF FILER: ELECTRONIC AMICUS BRIEF on the merits with Certification attached on behalf of New Jersey Hospital Association in support of Appellant/Petitioner. Certificate of Service dated 09/22/2021 by ECF. F.R.A.P. 29(a) Permission: NO. --[Edited 09/27/2021 by EAF - Text edited; Appendix requested to re-file separately] --[Edited 10/07/2021 by EAF - Appendix removed and re-filed as of 10/6/21] [21-2603] (RH) [Entered: 09/22/2021 09:11 PM]  
28 pg, 177.64 KB
- 09/22/2021  [46](#) ECF FILER: ELECTRONIC AMICUS BRIEF on the merits on behalf of African American Chamber of Commerce of New Jersey in support of Appellant/Petitioner. Certificate of Service dated 09/22/2021 by ECF. F.R.A.P. 29(a) Permission: YES. [21-2603] (JAH) [Entered: 09/22/2021 11:51 PM]  
113 pg, 3.68 MB
- 09/23/2021  [47](#) ORDER (Clerk) The foregoing Motion is referred to the merits panel. The Clerk will hold Volumes I and III of the joint appendix provisionally under seal pending a ruling by the Court, filed. (MCW) [Entered: 09/23/2021 12:16 PM]  
1 pg, 93.35 KB
- 09/23/2021  48 HARD COPY RECEIVED from Amicus Appellants Michael R. Baye, Kenneth G Elzinga, Gregory K Leonard, Janusz A. Ordover and Robert D. Willig - Amicus Brief with Appendix attached. Copies: 7. (KEL) [Entered: 09/23/2021 02:14 PM]
- 09/24/2021  [49](#) ECF FILER: UNOPPOSED Motion filed by Appellee FTC to seal All documents previously sealed in the district court.. Certificate of Service dated 09/24/2021. Service made by ECF. [21-2603] (MG) [Entered: 09/24/2021 12:40 PM]  
9 pg, 115.77 KB
- 09/24/2021  50 HARD COPY RECEIVED from Amicus Appellants American Hospital Association and Association of American Medical Colleges - Amicus Brief. Copies: 7. (KEL) [Entered: 09/24/2021 02:23 PM]
- 09/27/2021  51 HARD COPY RECEIVED from Proposed Amicus-Appellant New Jersey Hospital Association - Brief. Copies: 7. (AR) [Entered: 09/27/2021 02:51 PM]
- 09/27/2021  52 TEXT ONLY ORDER (Clerk) directing Attorney Jennifer A. Hradil, Esq. for Amicus Appellant African American Chamber of Commerce of New Jersey to file an Entry of Appearance pursuant to L.A.R. 46.2. Due on or before 09/30/2021. (EAF) [Entered: 09/27/2021 04:14 PM]
- 09/27/2021  53 TEXT ONLY ORDER (Clerk) directing Attorney Jennifer A. Hradil, Esq. for Amicus Appellant African American Chamber of Commerce of New Jersey to file a motion for leave to file supplemental appendix for the Supplemental Appendix filed with the Brief on 9/22/21 AND re-file the Supplemental Appendix containing a Table of Contents and consecutive pagination. Due on or before 09/30/2021. (EAF) [Entered: 09/27/2021 04:58 PM]
- 09/27/2021  [54](#) ECF FILER: ENTRY OF APPEARANCE from Jennifer A. Hradil, Esq. on behalf of Amicus Curiae The African American Chamber of Commerce of New Jersey. [21-2603] (JAH) [Entered: 09/27/2021 05:43 PM]  
1 pg, 197.5 KB
- 09/27/2021  55 HARD COPY RECEIVED from Proposed Amicus-Appellant New Jersey Hospital Association - Supplemental Appendix. Copies: 4. Volumes: 1 - NONCOMPLIANT (MS) [Entered: 09/28/2021 11:03 AM]
- 09/28/2021  56 TEXT ONLY ORDER (Clerk) directing Attorney Richard Hernandez, Esq. for Proposed Amicus-Appellant New Jersey Hospital Association to submit corrected hard copies of supplemental appendix in WHITE front and back covers. Due on or before 10/01/2021. (MS) [Entered: 09/28/2021 11:04 AM]
- 09/29/2021  57 HARD COPY RECEIVED from Amicus Curiae New Jersey Hospital Association- Amicus Brief. Copies: 7. (KEL) [Entered: 09/29/2021 11:24 AM]

- 09/29/2021  58 HARD COPY RECEIVED from Proposed Amicus-Appellant New Jersey Hospital Association - Appendix. Copies: 4. Volumes: 1 (EAF) [Entered: 09/29/2021 04:22 PM]
- 09/29/2021  59 COMPLIANCE RECEIVED. (4) hard copies of Appendix in white covers received from Proposed Amicus-Appellant New Jersey Hospital Association. (EAF) [Entered: 09/29/2021 04:26 PM]
- 09/30/2021  [60](#)  
2 pg, 34.49 KB Calendared for Thursday, 12/09/2021. Calendar Clerk: CMH. (CMH) [Entered: 09/30/2021 11:31 AM]
- 09/30/2021  [61](#)  
87 pg, 3.74 MB ECF FILER: Motion filed by Amicus Appellant African American Chamber of Commerce of New Jersey to supplement the appendix. Certificate of Service dated 09/30/2021. Service made by ECF.--[Edited 10/05/2021 by EAF; Supplemental Appendix requested to re-file separately] [21-2603] (JAH) [Entered: 09/30/2021 04:19 PM]
- 09/30/2021  62 COMPLIANCE RECEIVED. Motion to file supplemental appendix received from Amicus Appellant African American Chamber of Commerce of New Jersey. (EAF) [Entered: 10/04/2021 04:38 PM]
- 10/05/2021  [63](#)  
1 pg, 20.92 KB ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Mariel Goetz, Esq. for Appellee FTC. Certificate of Service dated 10/05/2021. Service made by ECF. [21-2603] (MG) [Entered: 10/05/2021 10:35 AM]
- 10/05/2021  64 TEXT ONLY ORDER (Clerk) directing Attorney Richard Hernandez, Esq. for Proposed Amicus-Appellant New Jersey Hospital Association to re-file the Appearance form and Supplemental Appendix filed on 9/22/21 (with other documents) as two separate filings. Due on or before 10/08/2021. (EAF) [Entered: 10/05/2021 11:24 AM]
- 10/05/2021  65 TEXT ONLY ORDER (Clerk) directing Attorney Jennifer A. Hradil, Esq. for Amicus Appellant African American Chamber of Commerce of New Jersey to re-file the Supplemental Appendix filed on 9/30/21 (with the Motion) as its own entry. Due on or before 10/08/2021. (EAF) [Entered: 10/05/2021 04:12 PM]
- 10/06/2021  [66](#)  
1 pg, 10.1 KB ECF FILER: ENTRY OF APPEARANCE from Richard Hernandez, Esq. on behalf of Amicus Curiae New Jersey Hospital Association. [21-2603] (RH) [Entered: 10/06/2021 09:56 AM]
- 10/06/2021  [67](#)  
119 pg, 2.51 MB ECF FILER: ELECTRONIC SUPPLEMENTAL APPENDIX on behalf of Proposed Amicus-Appellant New Jersey Hospital Association in support of Appellant/Petitioner. Certificate of Service dated 10/06/2021 by ECF. --[Edited 10/06/2021 by EAF - Event and text edited] [21-2603] (RH) [Entered: 10/06/2021 01:32 PM]
- 10/06/2021  68 COMPLIANCE RECEIVED. Re-filing of appearance form and supplemental appendix received from Proposed Amicus-Appellant New Jersey Hospital Association. (EAF) [Entered: 10/06/2021 01:43 PM]
- 10/06/2021  [69](#)  
81 pg, 3.72 MB ECF FILER: ELECTRONIC SUPPLEMENTAL APPENDIX on behalf of Amicus Appellant African American Chamber of Commerce of New Jersey. Certificate of service dated 10/06/2021 by ECF. [21-2603] (JAH) [Entered: 10/06/2021 02:51 PM]
- 10/06/2021  [70](#)  
1 pg, 116.26 KB ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Aaron D. Van Oort, Esq. for Appellant Hackensack Meridian Health Inc. Certificate of Service dated 10/06/2021. Service made by ECF. [21-2603] (ADV) [Entered: 10/06/2021 04:20 PM]
- 10/07/2021  71 COMPLIANCE RECEIVED. Re-filing of Supplemental Appendix received from Amicus Appellant African American Chamber of Commerce of New Jersey. Received on 10/06/2021. (EAF) [Entered: 10/07/2021 01:01 PM]
- 10/12/2021  [72](#)  
1 pg, 9.1 KB ORDER (Clerk) At the direction of the Court, the foregoing motion filed by New Jersey Hospital Association to proceed as amicus on the merits in support of Appellant/Petitioner and to file amicus appendix is granted and the motion to participate in oral argument is denied without prejudice as the Court has not yet decided whether oral argument will be convened in this case. The movant may renew its motion no later than November 15, 2021. (EAF) [Entered: 10/12/2021 10:54 AM]
- 10/12/2021  [73](#)  
1 pg, 207.13 KB ECF FILER: ENTRY OF APPEARANCE from Jonathan Lasken on behalf of Appellee(s) Federal Trade Commission. [21-2603] (JHL) [Entered: 10/12/2021 11:53 AM]
- 10/29/2021  [74](#)  
10 pg, 120.19 KB ECF FILER: UNOPPOSED Motion filed by Appellee FTC to seal the FTC's Answering Brief and portions of its Supplemental Appendix. Certificate of Service dated 10/29/2021. Service made by ECF. [21-2603] (MG) [Entered: 10/29/2021 10:55 AM]
- 10/29/2021  [75](#)  
8 pg, 108.39 KB ECF FILER: UNOPPOSED Motion filed by Appellee FTC to supplement the appendix. Certificate of Service dated 10/29/2021. Service made by ECF. [21-2603] (MG) [Entered: 10/29/2021 10:59 AM]
- 10/29/2021  [76](#)   
0 pg, 0 KB ECF FILER: SEALED ELECTRONIC BRIEF on behalf of Appellee FTC. Certificate of Service dated 10/29/2021 by ECF. [21-2603] (MG) [Entered: 10/29/2021 11:06 AM]
- 10/29/2021  [77](#)  
120 pg, 14.14 MB ECF FILER: ELECTRONIC SUPPLEMENTAL APPENDIX on behalf of Appellee FTC. Certificate of service dated 10/29/2021 by ECF. [21-2603] (MG) [Entered: 10/29/2021 11:30 AM]

- 10/29/2021  [78](#)  ECF FILER: SEALED ELECTRONIC SUPPLEMENTAL APPENDIX on behalf of Appellee FTC. Certificate of Service dated 10/29/2021 by ECF. [21-2603] (MG) [Entered: 10/29/2021 11:37 AM]  
0 pg, 0 KB
- 10/29/2021  [79](#) ECF FILER: REDACTED ELECTRONIC BRIEF on behalf of Appellee FTC. Certificate of Service dated 10/29/2021 by Email. [21-2603] (MG) [Entered: 10/29/2021 11:40 AM]  
72 pg, 313.14 KB
- 10/29/2021  [80](#) ECF FILER: UNOPPOSED Motion filed by Appellee FTC to file overlength brief. Certificate of Service dated 10/29/2021. Service made by ECF. [21-2603]--[Edited 11/01/2021 by MS] (MG) [Entered: 10/29/2021 04:03 PM]  
7 pg, 106.69 KB
- 11/02/2021  [81](#) ORDER (Clerk) The foregoing unopposed motion by Appellee to file an Answering Brief and portion of the Supplemental Appendix under seal and the unopposed motion by Appellee to file a Supplemental Appendix are granted. By filing separate appendices, and given the issues presented on appeal and the volume of items filed on the District Court docket, this Court understands that the parties are asking this Court to review only the contents of the Appendices and are not asking this Court to review other items filed on the District Court docket. If the parties are asking this Court to review any other items filed on the District Court docket, then they shall notify the Court no later than five days from the date of this Order and explain why such items are necessary to review and why those items are not included in the Appendices. If no response is received, the Court will understand that a review of the contents of the Appendices is sufficient to address the issues on appeal. With respect to sealed materials, the orders granting the motions to seal do not restrict the Court's use of such information in any way, including in public proceedings, opinions, and orders, that it deems necessary and/or appropriate. (MS) [Entered: 11/02/2021 11:17 AM]  
2 pg, 78.47 KB
- 11/03/2021  82 HARD COPY RECEIVED from Appellee FTC - REDACTED Brief. Copies: 1. (RM) [Entered: 11/03/2021 12:10 PM]
- 11/03/2021  83 HARD COPY RECEIVED from Appellee FTC - SEALED Brief. Copies: 7. (RM) [Entered: 11/03/2021 12:10 PM]
- 11/03/2021  84 HARD COPY RECEIVED from Appellee FTC - Supplemental Appendix. Copies: 4. Volumes: 2 (Volume II - FILED UNDER SEAL) --[Edited 11/05/2021 by EAF - Text edited reflect # of copies] (EAF) [Entered: 11/04/2021 10:44 AM]
- 11/05/2021  [85](#) ECF FILER: ENTRY OF APPEARANCE from Jamie Crooks on behalf of Amicus Curiae Amici Curiae Professors, Economists, and Scholars. [21-2603] (JC) [Entered: 11/05/2021 10:12 AM]  
1 pg, 167.74 KB
- 11/05/2021  [86](#) ECF FILER: ELECTRONIC AMICUS BRIEF on the merits on behalf of Amici Curiae Professors, Economists, and Scholars in support of Appellee/Respondent. Certificate of Service dated 11/05/2021 by ECF. F.R.A.P. 29(a) Permission: YES. [21-2603] (JC) [Entered: 11/05/2021 10:18 AM]  
35 pg, 184.48 KB
- 11/05/2021  [87](#) ECF FILER: ENTRY OF APPEARANCE from Douglas F. Johnson on behalf of Amicus Curiae Thomas L. Greaney, J.D., Alexandra D. Montague, J.D., Jaime S. King, J.D., Ph.D., Richard M. Scheffler, Ph.D., Katherine M. Gudiksen, M.S., Ph.D., Brent D. Fulton, Ph.D., MBA, and Daniel R. Arnold, Ph.D.. [21-2603] (DFJ) [Entered: 11/05/2021 03:02 PM]  
1 pg, 1.49 MB
- 11/05/2021  [88](#) ECF FILER: ELECTRONIC AMICUS BRIEF on the merits on behalf of Professors of Law and Economics, Economists and Health Policy Researchers, Thomas L. Greaney, J.D., Alexandra D. Montague, J.D., Jaime S. King, J.D., Ph.D., Richard M. Scheffler, Ph.D., Katherine M. Gudiksen, M.S., Ph.D., Brent D. Fulton, Ph.D., MBA, and Daniel R. Arnold, Ph.D. in support of Appellee/Respondent. Certificate of Service dated 11/05/2021 by ECF. F.R.A.P. 29(a) Permission: YES. [21-2603] (DFJ) [Entered: 11/05/2021 03:09 PM]  
25 pg, 298.85 KB
- 11/05/2021  [89](#) ECF FILER: ENTRY OF APPEARANCE from Eric F. Citron on behalf of Amicus Curiae Catalyst for Payment Reform. [21-2603] (EFC) [Entered: 11/05/2021 03:25 PM]  
1 pg, 146.77 KB
- 11/05/2021  [90](#) ECF FILER: ELECTRONIC AMICUS BRIEF on the merits on behalf of Catalyst for Payment Reform in support of Appellee/Respondent. Certificate of Service dated 11/05/2021 by ECF. F.R.A.P. 29(a) Permission: YES. [21-2603] (EFC) [Entered: 11/05/2021 03:31 PM]  
26 pg, 339.28 KB
- 11/05/2021  91 ECF FILER: ELECTRONIC AMICUS BRIEF on the merits on behalf of Commonwealth of Pennsylvania and Amicus States in support of Appellee/Respondent. Certificate of Service dated 11/05/2021 by ECF. F.R.A.P. 29(a) Permission: YES. [21-2603][Attachment removed by Clerk; Corrected Amicus Brief filed on 11/09/2021]--[Edited 11/10/2021 by MCW] (TWW) [Entered: 11/05/2021 05:31 PM]
- 11/05/2021  [92](#) ECF FILER: LETTER from Attorney Mariel Goetz, Esq. for Appellee FTC Letter to Clerk regarding record materials (per November 2 order). Certificate of Service dated 11/05/2021. Service made by ECF. [21-2603] (MG) [Entered: 11/05/2021 05:53 PM]  
3 pg, 155.26 KB
- 11/08/2021  [93](#) ECF FILER: ENTRY OF APPEARANCE from Tracy W. Wertz on behalf of Amicus Curiae States. [21-2603] (TWW) [Entered: 11/08/2021 09:52 AM]  
1 pg, 197.18 KB

- 11/08/2021  [94](#) HARD COPY RECEIVED from Amicus Appellees Daniel R. Arnold, Brent D. Fulton, MBA, Thomas L. Greaney, Katherine M. Gudiksen, Jaime S. King, Alexandra D. Montague, Professors of Law and Economics, Economists and Health Policy Researchers and Richard M. Scheffler - Amicus Brief. Copies: 7. (LM) [Entered: 11/08/2021 12:20 PM]
- 11/08/2021  [95](#)  
2 pg, 150.28 KB ECF FILER: LETTER from Attorney Paul H. Saint-Antoine, Esq. for Appellant Hackensack Meridian Health Inc Letter to Clerk regarding record materials pursuant to November 2, 2021 order. Certificate of Service dated 11/08/2021. Service made by ECF. [21-2603] (PHS) [Entered: 11/08/2021 01:43 PM]
- 11/09/2021  96 HARD COPY RECEIVED from Amicus Appellee Professors, Economists and Scholars - Amicus Brief. Copies: 7. (KEL) [Entered: 11/09/2021 01:12 PM]
- 11/09/2021  97 HARD COPY RECEIVED from Amicus Appellee Catalyst for Payment Reform - Amicus Brief. Copies: 7. (KEL) [Entered: 11/09/2021 01:14 PM]
- 11/09/2021  [98](#)  
31 pg, 752.1 KB ECF FILER: CORRECTED ELECTRONIC AMICUS BRIEF on the merits on behalf of Commonwealth of Pennsylvania and Amicus States in support of Appellee/Respondent. Certificate of Service dated 11/09/2021 by ECF. F.R.A.P. 29(a) Permission: YES. [21-2603] (TWW) [Entered: 11/09/2021 04:42 PM]
- 11/10/2021  [99](#)  
1 pg, 74.1 KB ORDER (Clerk) issued at the direction of the Court. No later than November 12, 2021 at noon, the parties shall submit a supplemental appendix that includes the items identified in the letters dated November 5, 2021 and November 8, 2021. (GPK) [Entered: 11/10/2021 10:50 AM]
- 11/10/2021  [100](#)   
0 pg, 0 KB ECF FILER: SEALED ELECTRONIC SUPPLEMENTAL APPENDIX on behalf of Appellee FTC. Certificate of Service dated 11/10/2021 by ECF. [21-2603] (MG) [Entered: 11/10/2021 11:23 AM]
- 11/10/2021  101 HARD COPY RECEIVED from Amicus Curiae States of Pennsylvania, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, Virginia, Washington, Wisconsin, The District of Columbia, and the Territory of Guam, in support of Appellee - Amicus Brief. Copies: 7. (KEL) [Entered: 11/10/2021 01:14 PM]
- 11/10/2021  [102](#)  
1 pg, 74.68 KB ORDER (Clerk) issued at the direction of the Court. The motion by Appellee to file an overlength brief is granted and, with the consent of the Appellee, the reply brief may exceed the rule word-limit by no more than 1000 words. The reply brief shall be filed as previously ordered by November 12, 2021 at noon. (GPK) [Entered: 11/10/2021 05:39 PM]
- 11/12/2021  [103](#)  
40 pg, 773.24 KB ECF FILER: ELECTRONIC JOINT REPLY BRIEF on behalf of Appellants Hackensack Meridian Health Inc. and Englewood Healthcare Foundation. Certificate of Service dated 11/12/2021 by ECF. [21-2603][Edited docket text]--[Edited 11/12/2021 by MCW] (PHS) [Entered: 11/12/2021 11:07 AM]
- 11/12/2021  [104](#)  
10 pg, 349.91 KB ECF FILER: UNOPPOSED Joint Motion filed by Appellants Hackensack Meridian Health Inc and Englewood Healthcare Foundation to seal portions of Supplemental Appendix. Certificate of Service dated 11/12/2021. Service made by ECF. [21-2603][Edited docket text]--[Edited 11/12/2021 by MCW] (PHS) [Entered: 11/12/2021 11:13 AM]
- 11/12/2021  [105](#)  
16 pg, 1.47 MB ECF FILER: ELECTRONIC JOINT SUPPLEMENTAL APPENDIX on behalf of Appellants Hackensack Meridian Health Inc. and Englewood Healthcare Foundation. Certificate of service dated 11/12/2021 by ECF. [21-2603][Edited docket text]--[Edited 11/12/2021 by MCW] (PHS) [Entered: 11/12/2021 11:15 AM]
- 11/12/2021  [106](#)   
0 pg, 0 KB ECF FILER: SEALED ELECTRONIC JOINT SUPPLEMENTAL APPENDIX on behalf of Appellants Hackensack Meridian Health Inc. and Englewood Healthcare Foundation. Certificate of Service dated 11/12/2021 by ECF. [21-2603][Edited docket text]--[Edited 11/12/2021 by MCW] (PHS) [Entered: 11/12/2021 11:20 AM]
- 11/12/2021  107 HARD COPY RECEIVED from Amicus District of Columbia, State of California, State of Colorado, State of Connecticut, State of Delaware, State of Idaho, State of Illinois, State of Indiana, State of Maryland, State of Massachusetts, State of Michigan, State of Minnesota, State of Nebraska, State of Nevada, State of New Hampshire, State of New Mexico, State of New York, State of North Carolina, State of North Dakota, State of Oregon, State of Rhode Island, State of Virginia, State of Washington, State of Wisconsin and Territory of Guam - Corrected Amicus Brief. Copies: 7. (RM) [Entered: 11/12/2021 01:19 PM]
- 11/12/2021  108 HARD COPY RECEIVED from Appellee FTC - SEALED Supplemental Appendix. Copies: 4. Volumes: 1. (GPK) [Entered: 11/12/2021 03:35 PM]
- 11/15/2021  [109](#)  
2 pg, 125.53 KB ECF FILER: LETTER from Attorney Mariel Goetz, Esq. for Appellee FTC following up on Letter filed 11/5/21 regarding additional record materials relevant to appellants' reply brief construed a Motion for Leave to File Sealed Supplemental Appendix Volume IV. Certificate of Service dated 11/15/2021. Service made by ECF. --[Edited 11/17/2021 by EAF - Text edited] [21-2603] (MG) [Entered: 11/15/2021 05:05 PM]
- 11/15/2021  [110](#)   
0 pg, 0 KB ECF FILER: SEALED ELECTRONIC SUPPLEMENTAL APPENDIX Volume IV on behalf of Appellee FTC. Certificate of Service dated 11/15/2021 by ECF. --[Edited 11/17/2021 by EAF - Text edited to specify volume] [21-2603] (MG) [Entered: 11/15/2021 05:09 PM]

- 11/16/2021  [112](#) HARD COPY RECEIVED from Appellants Englewood Healthcare Foundation and Hackensack Meridian Health Inc - Reply Brief. Copies: 7. (LM) [Entered: 11/18/2021 11:17 AM]
- 11/17/2021  [111](#) Oral Argument Notification for Tuesday, 12/07/2021. Setting & Time: Maris Courtroom / 9:30am. Location: Philadelphia, PA. (PM) [Entered: 11/17/2021 04:21 PM]  
3 pg, 138.95 KB
- 11/18/2021  [113](#) HARD COPY RECEIVED from Appellants Englewood Healthcare Foundation and Hackensack Meridian Health Inc - Supplemental Appendix. Copies: 4. Volumes: 2 [Volume II UNDER SEAL] Received on: 11/16/2021.--[Edited 11/18/2021 by MCW] (MCW) [Entered: 11/18/2021 04:04 PM]
- 11/18/2021  [114](#) HARD COPY RECEIVED from Appellee FTC - SEALED Supplemental Appendix Volume IV. Copies: 4. Volumes: 1 Received on 11/17/2021. (MCW) [Entered: 11/18/2021 04:34 PM]
- 11/19/2021  [115](#) ORDER (Clerk) granting unopposed motion filed by Appellants' for Leave to File Under Seal Portions of Supplemental Appendix. (EAF) [Entered: 11/19/2021 02:27 PM]  
1 pg, 62.34 KB
- 11/19/2021  [116](#) ECF FILER: SUMMARY OF ORAL ARGUMENT submitted by Attorney Mariel Goetz, Esq. for Appellee FTC. Case Summary: This antitrust case asks whether the district court properly blocked the largest New Jersey health system (Hackensack) from buying a competing hospital in Bergen County (Englewood), finding that the deal would likely raise prices and harm quality of care.. Post Video: YES. [21-2603] (MG) [Entered: 11/19/2021 02:56 PM]
- 11/22/2021  [117](#) ECF FILER: SUMMARY OF ORAL ARGUMENT submitted by Attorney Paul H. Saint-Antoine, Esq. for Appellant Hackensack Meridian Health Inc. Case Summary: Whether the district court erred in enjoining a community hospital from merging with a New Jersey health system by defining an improperly narrow relevant geographic market and failing to properly assess procompetitive effects.. Post Video: YES. [21-2603] (PHS) [Entered: 11/22/2021 01:50 PM]
- 11/24/2021  [118](#) ORDER (Clerk) The foregoing is entered at the direction of the Court: The foregoing Motion by Appellants for leave to file sealed portions of Appendix is granted, filed. (MCW) [Entered: 11/24/2021 04:25 PM]  
1 pg, 73.53 KB
- 11/30/2021  [119](#) ORDER (Clerk) The following is entered at the direction of the Court: The foregoing motion filed by Amicus Appellant African American Chamber of Commerce of New Jersey to supplement the appendix is granted. (EAF) [Entered: 12/01/2021 09:12 AM]  
1 pg, 8.88 KB
- 12/01/2021  [120](#) ORDER (Clerk) The following is entered at the direction of the Court: The foregoing letter filed by Appellee FTC following up on letter filed 11/5/21 regarding additional record materials relevant to appellant's reply brief to be construed as a motion to file sealed supplemental appendix volume IV is granted. Nothing herein precludes the Court from using sealed material in a public forum, including during oral argument or its opinion. (EAF) [Entered: 12/01/2021 09:26 AM]  
1 pg, 83.38 KB
- 12/07/2021  [121](#) ARGUED on Tuesday, December 7, 2021. Panel: SHWARTZ, PORTER, FISHER, Circuit Judges. Mariel Goetz arguing for Appellee Federal Trade Commission; Aaron D. Van Oort arguing for Appellant Hackensack Meridian Health Inc. (GPK) [Entered: 12/07/2021 04:39 PM]
- 12/07/2021  [122](#) COURT MINUTES OF ARGUED/SUBMITTED CASES. [21-1276, 21-1277, 21-1289, 21-1256, 21-2603, 20-3295, 21-1302, 21-1589, 21-1677] (GPK) [Entered: 12/07/2021 04:50 PM]  
0 pg, 0 KB
- 12/08/2021  [123](#) ORDER (SHWARTZ, PORTER and FISHER, Circuit Judges) The foregoing unopposed motion by Appellee to seal all documents previously is granted. Nothing herein bars the Court from using such material in public fora, including at oral argument or written opinions, filed. Shwartz, Authoring Judge. (PDB) [Entered: 12/08/2021 08:35 AM]  
1 pg, 50.44 KB
- 12/08/2021  [124](#) ECF FILER: LETTER from Attorney Mariel Goetz, Esq. for Appellee FTC to Clerk Correcting Record Citation at Argument. Certificate of Service dated 12/08/2021. Service made by ECF. [21-2603] (MG) [Entered: 12/08/2021 06:18 PM]  
1 pg, 140.35 KB
- 12/09/2021  [125](#) TEXT ONLY ORDER (Clerk) The Court has determined that video of oral argument should be posted to the Court's website. Any objections should be filed using the **Response** event and are due by 5pm EST on 12/10/2021. (GPK) [Entered: 12/09/2021 08:52 AM]
- 12/09/2021  [126](#) ECF FILER: LETTER from Attorney Aaron D. Van Oort, Esq. for Appellant Hackensack Meridian Health Inc. Certificate of Service dated 12/09/2021. Service made by ECF. [21-2603] (ADV) [Entered: 12/09/2021 04:50 PM]  
1 pg, 136.64 KB
- 12/20/2021  [127](#) TEXT ONLY ORDER (Clerk) At the direction of the Court, video of oral argument will be posted within 24 hours. (GPK) [Entered: 12/20/2021 10:21 AM]
- 12/30/2021  [128](#) ECF FILER: ENTRY OF APPEARANCE from Ashley Turner on behalf of Amicus Curiae New Jersey Hospital Association. [21-2603] (ALT) [Entered: 12/30/2021 10:16 AM]  
1 pg, 112.14 KB
- 01/03/2022  [129](#) NOTICE REGARDING ATTORNEY STATUS for APPEARANCE FORM filed by Attorney Ashley L. Turner, Esq. for Amicus Appellant New Jersey Hospital Association. Counsel's current status in this Court's attorney rolls is inactive. An attorney must have active status in order to appear before this Court. R.A.D.E.

17.3. If you wish to return to active status or if you believe that you have been marked inactive in error, please complete the Attorney Admission Renewal/Adjustment of Status Form available on this Court's website by 01/18/2022. Future filings will not be accepted from an attorney in inactive status. (TMK) [Entered: 01/03/2022 10:24 AM]

- 01/03/2022  [130](#) Attorney Bar status modified for Ashley L. Turner, Esq. for New Jersey Hospital Association. Status is now active. (TMK) [Entered: 01/04/2022 08:28 AM]
- 03/22/2022  [131](#) PRECEDENTIAL OPINION. Coram: SHWARTZ, PORTER and FISHER, Circuit Judges. Total Pages: 34. Judge: FISHER Authoring. (AMR) [Entered: 03/22/2022 09:43 AM]  
34 pg, 264.48 KB
- 03/22/2022  [132](#) JUDGMENT, AFFIRMED. Costs taxed against Appellants. (AMR) [Entered: 03/22/2022 09:44 AM]  
6 pg, 33.29 KB

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