

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 5:24-cv-00028-KDB-SCR

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

NOVANT HEALTH, INC.

and

COMMUNITY HEALTH SYSTEMS, INC.,

Defendants.

**PUBLIC VERSION OF
DOCUMENT FILED UNDER SEAL
(ECF #113)**

**PLAINTIFF’S MOTION TO EXCLUDE EVIDENCE OF
MADE-FOR-LITIGATION EFFICIENCIES ADVOCACY**

Plaintiff Federal Trade Commission (“FTC”) respectfully moves *in limine* to exclude from evidence a made-for-litigation document commissioned by counsel for Defendants from the consulting firm Deloitte, as well as all testimony, expert opinions, and portions of expert reports based on, relying on, or incorporating Deloitte’s work, analysis, or conclusions. The FTC has conferred in good faith with Defendants regarding this motion in compliance with Local Rule 7.1(b), and Defendants oppose the relief requested herein. The FTC submits an accompanying memorandum of law in support of this motion, as well as a proposed order setting forth the requested relief.

Dated: April 18, 2024

Respectfully submitted,

/s/ Nicolas Stebinger

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon the following counsel on June 5, 2024, by CM/ECF:

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