

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FEDERAL TRADE COMMISSION

and

COMMONWEALTH OF  
PENNSYLVANIA,

Plaintiffs,

vs.

PENN STATE HERSHEY  
MEDICAL CENTER

and

PINNACLEHEALTH SYSTEM,

Defendants.

Civil Action No.: 1:15-cv-02362

Hon. John E. Jones III

**PLAINTIFFS' MOTION FOR INJUNCTION PENDING APPEAL**

Plaintiffs Federal Trade Commission and the Commonwealth of Pennsylvania respectfully move, pursuant to Fed. R. Civ. P. 62(c), that this Court grant an injunction enjoining Penn State Hershey Medical Center and PinnacleHealth System (collectively, "Defendants") from consummating Defendants' proposed merger pending appeal of this Court's May 9, 2016 Order denying Plaintiffs' Motion For Preliminary Injunction (Doc. No. 131). In the

alternative, Plaintiffs move that the Court temporarily enjoin the proposed merger pending a determination by the Court of Appeals on an emergency application for an injunction pending appeal that Plaintiffs intend to file.

In support of this motion, the Court is respectfully referred to the Memorandum of Law In Support of Plaintiffs' Motion for Injunction Pending Appeal filed herewith, as well as the Complaint, memoranda, exhibits, testimony, and all other proceedings in this matter.

Dated: May 10, 2016

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 10th day of May, 2016, I served the foregoing document on the following counsel via electronic mail:

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