

**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-2362

FILED
HARRISBURG PA

DEC 09 2015

MARIA E. ELKINS, CLERK

Per

**JOINT MOTION FOR ENTRY OF A
STIPULATED TEMPORARY RESTRAINING ORDER**

Plaintiffs, the Federal Trade Commission (“FTC”) and the Commonwealth of Pennsylvania (“Commonwealth”), by their undersigned counsel, have filed this action seeking an order preliminarily enjoining the merger of Defendants Penn State Hershey Medical Center (“Hershey”) and PinnacleHealth System (“Pinnacle”) pursuant to Section 13(b) of the Federal Trade Commission Act

("FTC Act"), 15 U.S.C. § 53(b), and Section 16 of the Clayton Act, 15 U.S.C. §

26. The parties have stipulated to a temporary restraining order under which Defendants Hershey and Pinnacle will not consummate the proposed merger until three days after the Court rules on the Plaintiffs' motion for a preliminary injunction. By this Joint Motion, the parties respectfully move the Court for an order entering the attached Stipulation and Proposed Order.

Dated: December 9, 2015

Respectfully submitted,

/s/ William H. Efron
WILLIAM H. EFRON
Director
Northeast Region
Federal Trade Commission
One Bowling Green, Suite 318
New York, NY 10004
Tel: (212) 607-2827
Email: wefron@ftc.gov

*Counsel for Plaintiff
Federal Trade Commission*

/s/ Tracy W. Wertz
TRACY W. WERTZ
Chief Deputy Attorney General
Antitrust Section
14th Floor, Strawberry Square
Harrisburg, PA 17120
Tel: (717) 787-4530
Email: twertz@attorneygeneral.gov

*Counsel for Plaintiff
Commonwealth of Pennsylvania*

/s/ James P. DeAngelo
JAMES P. DeANGELO
[Bar # 62377]
McNEES WALLACE & NURICK LLC
100 Pine Street
Harrisburg, PA 17101
Tel: (717) 237-5470
Fax: (717) 260-1679
Email: jdeangelo@mwn.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of December, 2015, I served the foregoing document on the following counsel via electronic mail:

Adrian Wager-Zito
Toby G. Singer
Kenneth W. Field
Jones Day
51 Louisiana Avenue, NW
Washington, DC 20001
adrianwagerzito@jonesday.com
tgsinger@jonesday.com
kfield@jonesday.com
Tel: (202) 879-3939

James P. DeAngelo
McNEES WALLACE & NURICK LLC
100 Pine Street
Harrisburg, PA 17101
Tel: (717) 237-5470
Fax: (717) 260-1679
Email: jdeangelo@mwn.com

*Counsel for Penn State Hershey Medical Center and
PinnacleHealth System*

/s/ Gerald A. Stein
*Attorney for Plaintiff
Federal Trade Commission*