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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

SAINT ALPHONSUS MEDICAL CENTER,  
NAMPA, INC., TREASURE VALLEY  
HOSPITAL LIMITED PARTNERSHIP,  
SAINT ALPHONSUS HEALTH SYSTEM,  
INC., AND SAINT ALPHONSUS  
REGIONAL MEDICAL CENTER, INC.,

Plaintiffs,

v.

ST. LUKE'S HEALTH SYSTEM, LTD, and  
ST. LUKE'S REGIONAL MEDICAL  
CENTER, LTD.,

Defendants.

Case No. 1:12-cv-00560-BLW (Lead Case)

**DEFENDANTS' MOTION FOR  
TEMPORARY STAY PENDING  
APPLICATION FOR RELIEF FROM  
THE NINTH CIRCUIT**

FEDERAL TRADE COMMISSION; STATE  
OF IDAHO

Plaintiffs,

v.

ST. LUKE'S HEALTH SYSTEM, LTD.;  
SALTZER MEDICAL GROUP, P.A.

Defendants.

Case No. 1:13-cv-00116-BLW

The Court has denied defendants' motion for a stay pending appeal. Dkt. 506.<sup>1</sup>

Defendants do not ask the Court to reconsider that decision. However, recognizing that this Court has determined that a stay pending appeal is not warranted, defendants intend to move in the Ninth Circuit for a stay pending appeal under Federal Rule of Appellate Procedure 8(a)(2) (authorizing a motion in the Court of Appeals for stay pending appeal where "the district court denied" such relief). Defendants will file their motion in the Ninth Circuit on or before June 25, 2014.<sup>2</sup>

Accordingly, defendants ask that this Court temporarily stay its order of divestiture while defendants' motion for a stay pending appeal is pending before the Ninth Circuit. Such a temporary stay is expressly contemplated in Ninth Circuit Rule 27-2, and is necessary to permit meaningful exercise of defendants' right to seek relief pursuant to Federal Rule of Appellate Procedure 8(a)(2).

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<sup>1</sup> Although the Court's order is dated June 18, 2014, the Court's online docket indicates that the order was entered on the docket on June 19, 2014.

<sup>2</sup> Defendants filed the opening brief in their appeal on June 12, 2014, and the response brief is due in less than a month, on July 14, 2014. With the appeal briefing well underway, defendants expect that the Ninth Circuit will rule promptly on defendants' motion for a stay pending appeal.

Respectfully submitted,

s/ Brian K. Julian

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Dated: June 19, 2014

**DEFENDANTS' MOTION FOR TEMPORARY STAY PENDING APPLICATION FOR RELIEF  
FROM THE NINTH CIRCUIT - 2**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 19, 2014, I filed the foregoing **DEFENDANTS' MOTION FOR TEMPORARY STAY PENDING APPLICATION FOR RELIEF FROM THE NINTH CIRCUIT** electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected in the Notice of Electronic Filing:

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**DEFENDANTS' MOTION FOR TEMPORARY STAY PENDING APPLICATION FOR RELIEF FROM THE NINTH CIRCUIT - 3**

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By: s/ J. Walter Sinclair\_\_\_\_\_

J. Walter Sinclair

**DEFENDANTS' MOTION FOR TEMPORARY STAY PENDING APPLICATION FOR RELIEF  
FROM THE NINTH CIRCUIT - 4**