

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Jon Leibowitz, Chairman**  
                                 **J. Thomas Rosch**  
                                 **Edith Ramirez**  
                                 **Julie Brill**  
                                 **Maureen K. Ohlhausen**

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<b>In the Matter of</b>	)	
	)	
<b>OSF Healthcare System</b>	)	<b>Docket No. 9349</b>
<b>a corporation, and</b>	)	
	)	
<b>Rockford Health System</b>	)	
<b>a corporation.</b>	)	

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**ORDER DISMISSING COMPLAINT**

On November 17, 2011, the Federal Trade Commission issued the Administrative Complaint in this matter, having reason to believe that Respondents OSF Healthcare System (“OSF”) and Rockford Health System (“RHS”) had executed an affiliation agreement which, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18. Complaint Counsel and Respondents have now filed a Joint Motion to Dismiss Complaint, which states that the Respondents are abandoning the proposed affiliation, and have withdrawn the Hart-Scott-Rodino Notification and Report Forms they filed for the proposed transaction.<sup>1</sup>

The Commission has determined to dismiss the Administrative Complaint without prejudice as the most important elements of the relief set out in the Notice of Contemplated Relief in the Administrative Complaint have been accomplished without the need for further administrative litigation.<sup>2</sup> In particular, Respondents have announced that they are abandoning

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<sup>1</sup> See Joint Motion To Dismiss Complaint (April 12, 2012) at <http://www.ftc.gov/os/adjpro/d9349/index.shtml>.

<sup>2</sup> See, e.g., *In the Matter of Omnicare, Inc.*, Docket No. 9352, Order Dismissing Complaint (Feb. 22, 2012) at <http://www.ftc.gov/os/adjpro/d9352/120223omnicareder.pdf>; *In the Matter of Thoratec Corporation and HeartWare International, Inc.*, Docket No. 9339, Order Dismissing Complaint (August 11, 2009) at <http://www.ftc.gov/os/adjpro/d933.90811thoateder.pdf>; *In the Matter of CSL Limited and Cerberus-Plasma Holdings, LLC*, Docket No. 9337, Order Dismissing Complaint (June 22, 2009), at <http://www.ftc.gov/os/adjpro/d9337/090622commorderdismisscomplaint.pdf>

the proposed affiliation, and have withdrawn the Hart-Scott-Rodino Notification and Report Forms filed for the proposed transaction. As a consequence, the Respondents would not be able to effect the proposed transaction without filing new Hart-Scott-Rodino Notification and Report Forms.

For the foregoing reasons, the Commission has determined that the public interest warrants dismissal of the Administrative Complaint in this matter. The Commission has determined to do so without prejudice, however, because it is not reaching a decision on the merits. Accordingly,

**IT IS ORDERED THAT** the Administrative Complaint in this matter be, and it hereby is, dismissed without prejudice

By the Commission.

Donald S. Clark  
Secretary

SEAL  
ISSUED: April 13, 2012