

proceeding until “the first working day that is at least thirty days after the United States Court of Appeals for the Third Circuit renders its judgment on Respondents’ appeal of the August 4, 2021, order by the United States District Court for the District of New Jersey granting a preliminary injunction requested by Complaint Counsel.” The September 24 Order also further ordered that “unless modified by the Chief Administrative Law Judge, all related prehearing deadlines shall be extended by sixty (60) days.”

- On November 12, 2021, all parties completed briefing in the PI Appeal. Oral argument for the PI Appeal is tentatively set for December 9, 2021.

The Parties respectfully request that the Chief Administrative Law Judge amend the Scheduling Order and move all remaining deadlines to align with the present start date of the evidentiary hearing as reflected in the September 24 Order. Doing so will, among other things, save approximately two dozen nonparties meaningful expense and burden by avoiding the filing of motions for *in camera* treatment and trial preparation while the evidentiary hearing is stayed. These extensions will likewise also save this Court from potentially unnecessary expenditures of time and resources.

The Scheduling Order was previously amended by Order of the Chief Administrative Law Judge on May 20, 2021, and by orders of the Commission on May 26, 2021, July 1, 2021, July 28, 2021, and September 24, 2021.

The parties hereby request the following amendments detailed below:

Action	Current Deadline	Proposed Deadline
Deadline for filing motions <i>in limine</i> to preclude admission of evidence. <i>See</i> Additional Provision 13	December 3, 2021	10 days prior to the start date of the evidentiary hearing as contemplated by the September 24 Order
Deadline for filing motions for <i>in camera</i> treatment of proposed trial exhibits. <i>See</i> Additional Provision 12.	December 3, 2021	10 days prior to the start date of the evidentiary hearing as contemplated by the September 24 Order
Complaint Counsel files pretrial brief supported by legal authority	December 3, 2021	10 days prior to the start date of the evidentiary hearing as contemplated by the September 24 Order
Deadline for filing responses to motions <i>in limine</i> to preclude admission of evidence	December 6, 2021	7 days prior to the start date of the evidentiary hearing as contemplated by the September 24 Order
Deadline for filing responses to motions for <i>in camera</i> treatment of proposed trial exhibits	December 6, 2021	7 days prior to the start date of the evidentiary hearing as contemplated by the September 24 Order
Exchange and provide a courtesy copy to ALJ of objections to final proposed witness lists and exhibit lists. The parties are directed to review the Commission’s Rules on admissibility of evidence before filing objections to exhibits	December 6, 2021	7 days prior to the start date of the evidentiary hearing as contemplated by the September 24 Order
Exchange proposed stipulations of law, facts, and authenticity	December 6, 2021	7 days prior to the start date of the evidentiary hearing as contemplated by the September 24 Order

Action	Current Deadline	Proposed Deadline
Respondents' Counsel files pretrial brief supported by legal authority	December 7, 2021	6 days prior to the start date of the evidentiary hearing

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/s/ Jeffery L. Kessler

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

**Hackensack Meridian Health, Inc.,
a corporation,**

and

**Englewood Healthcare Foundation,
a corporation.**

Docket No. 9399

[PROPOSED] ORDER AMENDING SCHEDULING ORDER

This matter having come before the Court upon the Joint Motion to Amend the Scheduling Order, and having considered the position of the Parties, it is hereby ORDERED that the Scheduling Order in the above-captioned matter is amended to reflect the agreed-upon dates provided in the Joint Motion.

All other provisions of the Scheduling Order shall remain in effect.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date:

