IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

SAINT ALPHONSUS MEDICAL CENTER - NAMPA, INC., et al., Plaintiffs, v. ST. LUKE'S HEALTH SYSTEM, LTD. and ST. LUKE'S REGIONAL MEDICAL CENTER, LTD., Defendants.	)	No. 1:12-cv-00560-BLW (Lead Case)
FEDERAL TRADE COMMISSION and STATE OF IDAHO, Plaintiffs, v. ST. LUKE'S HEALTH SYSTEM, LTD. and SALTZER MEDICAL GROUP, P.A., Defendants.	)	No. 1:13-cv-00116-BLW

PLAINTIFF FEDERAL TRADE COMMISSION'S
MOTION FOR A STAY OF THE TRIAL

The Federal Trade Commission respectfully moves this Court for a stay of the trial schedule as set forth in the Second Amended Case Management Order ("CMO") dated May 20, 2013 (doc. no. 127).

1. The Continuing Resolution authorizing appropriations to the Commission expired at midnight on September 30, 2013. New legislation funding the agency's operation has not yet been enacted, and the Commission cannot predict when this may occur.

2. Absent appropriation, the Antideficiency Act prohibits Commission attorneys from working, even on a voluntary basis, "except for emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

3. Undersigned counsel for the Commission therefore requests a postponement of the trial until Congress has restored funding to the Commission.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Commission. At that time, the Commission will request that the Court reschedule the remaining trial calendar.

5. On September 30, 2013, the Commission notified counsel for all other parties that we intended to file this motion if Congress did not enact new appropriation legislation. Counsel for Defendant St. Luke's stated that Defendants object to this motion.

6. For purposes of this motion and any related matters, Deborah L. Feinstein, Director of the Burea of Competition, will be the Commission's point of contact. She can be reached at (202) 326-3630 and dfeinstein@FTC.gov.

Therefore, the Commission hereby moves for a postponement of the trial until Commission attorneys are permitted to resume their usual civil litigation functions. We greatly regret any disruption caused to the Court and to Defendants.

Dated: October 1, 2013

/s/ J. Thomas Greene

J. Thomas Greene
Peter C. Herrick
Henry C. Su
Michael Perry
Douglas E. Litvack
Matthew Accornero
Attorneys
Federal Trade Commission
Bureau of Competition
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580
Tel: 415- 848-5196
tgreene2@Ftc.gov
pherrick@Ftc.gov
hsu@Ftc.gov
mperry@Ftc.gov
dlitvack@Ftc.gov
maccornero@Ftc.gov

Deborah L. Feinstein, Director
Norman A. Armstrong, Jr., Deputy Director
Bureau of Competition
Federal Trade Commission

Robert J. Schroeder, Director
Northwest Region
Federal Trade Commission

Jonathan E. Nuechterlein, General Counsel
Federal Trade Commission

Counsel for Plaintiff Federal Trade Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 1, 2013, I filed the foregoing with the clerk of the Court.

/s/ Matthew Accornero
Matthew Accornero
Attorney for Plaintiff Federal Trade Commission

I HEREBY CERTIFY that on October 1, 2013, I served the foregoing on the following counsel via electronic mail:

J. Walter Sinclair
Stoel Rives, LLP
101 S. Capitol Blvd, Suite 1900
Boise, ID 83702
(208) 389-9000
jwsinclair@stoel.com

Jack R. Bierig
Scott D. Stein
Ben Keith
Sidley Austin, LLP
One South Dearborn
Chicago, IL 60603
(312) 853-7000
jbierig@sidley.com
sstein@sidley.com
bkeith@sidley.com

Counsel for Defendant St. Luke's Health System, Ltd.

Brian K. Julian
Anderson, Julian & Hull, LLP
C.W. Moore Plaza
250 South Fifth Street, Suite 700
PO Box 7426
Boise, ID 83707
(208) 344-5800
bjulian@ajhlaw.com

Counsel for Defendant Saltzer Medical Group, P.A.

/s/ Matthew Accornero
Matthew Accornero
Attorney for Plaintiff Federal Trade Commission