IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

FEDERAL TRADE COMMISSION and STATE OF NORTH DAKOTA, *Plaintiffs*, v. SANFORD HEALTH, SANFORD BISMARCK, and MID DAKOTA CLINIC, P.C., *Defendants*.	No: 1:17-cv-00133-ARS

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Plaintiffs Federal Trade Commission and the State of North Dakota respectfully move the Court pursuant to Section 13(b) of the Federal Trade Commission Act, 15 U.S.C. § 53(b), and Section 16 of the Clayton Act, 15 U.S.C. § 26, for a preliminary injunction enjoining Defendants Sanford Health, Sanford Bismarck, and Mid Dakota Clinic, P.C. (collectively, "Defendants") from merging pending the completion of a full administrative proceeding on the merits, which is scheduled to begin on November 28, 2017.

Plaintiffs have filed in this Court a complaint seeking a preliminary injunction to preserve the status quo and prevent Defendants from merging or acquiring each other's assets or other interests, pending final disposition of the Federal Trade Commission's full administrative

proceeding on the merits.

A preliminary injunction is needed on the grounds that there is reason to believe that, if Defendants are permitted to consummate their merger, Defendants will violate Section 7 of the Clayton Act, 15 U.S.C. § 18, by substantially lessening competition or tending to create a monopoly in the relevant markets as alleged in the complaint. Plaintiffs further assert that a preliminary injunction is in the public interest because such relief will preserve competition by maintaining the status quo and enabling the Commission to order effective antitrust relief, if warranted, after an administrative adjudication of the merits of the case.

This motion is supported by the Memorandum in Support of Plaintiffs' Motion for a Preliminary Injunction and accompanying exhibits. Plaintiffs have moved this Court for leave to file the Memorandum in Support of Plaintiffs' Motion for a Preliminary Injunction and accompanying exhibits under seal.

Dated: October 2, 2017

Respectfully Submitted,

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