

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

FEDERAL TRADE COMMISSION, et al.,

Plaintiff,

Case No. 3:11 CV 47

-vs-

O R D E R

PROMEDICA HEALTH SYSTEM, INC.,

Defendant.

KATZ, J.

Having considered the proposed Stipulated Preliminary Injunction Hearing Schedule, the following dates and deadlines are set.

On January 28, 2011, the Plaintiffs and Defendant shall exchange any additional affidavits or declarations from fact witnesses.

On January 31, 2011, the Plaintiffs and Defendant shall exchange any additional or supplemental affidavits or declarations from expert witnesses.

On February 1, 2011, the Plaintiffs and Defendant shall: (a) exchange the investigational hearing testimony excerpts they intend to offer as evidence at the preliminary injunction hearing from those fact witnesses whose investigational hearing the FTC conducted during the course of its investigation; and (b) identify each documentary exhibit they intend to offer as evidence at the preliminary injunction hearing, including those the FTC or the State of Ohio obtained from third-parties during the course of their investigations.

Prior to the preliminary injunction hearing, the Plaintiffs (together) and Defendant shall each be entitled to depose the other's expert witness(es) and no more than four fact witnesses, including third-parties. Depositions of expert witnesses shall be limited to seven hours.

Depositions of fact witnesses, including Defendant's employees and third-parties, shall be limited



to four hours. The party noticing a third-party fact witness deposition shall be entitled to 2.5 hours of deposition time; the other party shall be entitled to 1.5 hours of deposition time. Fact depositions of Defendant's employees shall be four hours, with Plaintiffs allocating the full time between themselves.

On February 7, 2011, the parties shall exchange the excerpts they intend to offer at the preliminary injunction hearing from the transcripts of the depositions of the expert and fact witnesses whose depositions were taken pursuant to Paragraph 4 of this Order.

At their option, the parties may file supplemental pre-hearing memoranda, not to exceed fifteen pages in length, on February 7, 2011.

A two-day preliminary injunction hearing shall be conducted at 9:00 a.m. on February 10 and February 11, 2011 at the Paul G. Rogers Federal Building and United States Courthouse, 701 Clematis Street, Courtroom No. 6, West Palm Beach FL 33401. The parties shall divide the time allocated for the hearing evenly, with the Plaintiffs and then the Defendant presenting argument for up to three hours each on February 10, 2011. On February 11, 2011, each party shall have one and one-half hours of argument, with, in order, Plaintiffs arguing for one hour, Defendant arguing for one and one-half hours, and Plaintiffs arguing for one-half hour.

The parties shall file post-hearing memoranda, proposed findings of fact and conclusions of law on February 22, 2011.

All parties and attorneys should familiarize themselves with the policy regarding electronic devices as contained in website for the Southern District of Florida located at www.flsd.uscourts.gov. Those attorneys wishing to bring a laptop, cell phone, beeper, video equipment or electronic equipment of any kind are required to notify Catherine Wade-Babyak on

or before **February 4, 2011**, of their attendance and what electronic device(s) they intend to bring to the Court. Ms. Wade-Babyak may be contacted via email at

Catherine.Wade@flsd.uscourts.gov

IT IS SO ORDERED.

s/ David A. Katz
DAVID A. KATZ
U. S. DISTRICT JUDGE