

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

HCA HEALTHCARE, INC.

Plaintiff

v.

MERRICK GARLAND, in his official capacity
as **ATTORNEY GENERAL OF THE
UNITED STATES**,

**UNITED STATES DEPARTMENT OF
JUSTICE**,

FEDERAL TRADE COMMISSION,

and

UNITED STATES OF AMERICA,

Defendants

CIVIL ACTION

No: 2:23-cv-01311-LMA-DPC

JUDGE LANCE M. AFRICK
SECTION I

MAGISTRATE: DONNA PHILLIPS
CURRAULT
DIVISION 2

PLAINTIFF’S UNOPPOSED MOTION TO CONSOLIDATE

Pursuant to Federal Rule of Civil Procedure 42(a), plaintiff HCA Healthcare, Inc. (“HCA”) hereby moves to consolidate this case with the related case of *Louisiana Children’s Medical Center v. Merrick Garland, et al.*, 2:23-cv-01305-LMA-MBN, also pending before Judge Africk. Louisiana Children’s Medical Center (“LCMC”) and the Louisiana Attorney General consent to this motion. None of the defendants object to consolidation.

These cases present common questions of law and fact properly consolidated under Rule 42(a). Both arise from LCMC’s acquisition of Tulane University Medical Center, Lakeview Regional Medical center, and Tulane Lakeside Hospital from HCA, and both seek declaratory

rulings that the acquisition is exempt from the Hart-Scott-Rodino Antitrust Improvements Act under the state action immunity doctrine, and thus that the plaintiffs in both actions are not subject to civil penalties or other relief for alleged non-compliance with the Act. The Louisiana Attorney General has intervened in both cases, asserting the same arguments. Accordingly, the two cases present overlapping factual and legal issues, and consolidation would best serve the interests of judicial efficiency, fairness, and consistency. No prejudice will result.

WHEREFORE, plaintiff HCA Healthcare, Inc. respectfully requests that this case be consolidated with *Louisiana Children's Medical Center v. Merrick Garland, et. al.*, 2:23-cv-01305-LMA-MBN.

Dated: May 5, 2023

Respectfully submitted,

/s/ Judy Y. Barrasso

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