

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

**LOUISIANA CHILDREN’S MEDICAL
CENTER, d/b/a LCMC HEALTH,**

Plaintiff,

v.

**ATTORNEY GENERAL OF THE
UNITED STATES, ET AL.,**

Defendants.

CASE NO. 2:23-cv-01305-LMA-MBN

c/w 23-cv-1311

c/w 23-cv-1890

JUDGE LANCE M. AFRICK SECTION I

**MAGISTRATE JUDGE
MICHAEL B. NORTH
DIVISION 5**

REF CASE Nos. 23-1305 and 23-1311

**UNITED STATES’ UNOPPOSED MOTION TO
ADMINISTRATIVELY REOPEN AND
DISMISS CASE NOS. 23-1305 AND 23-1311**

The U.S. Department of Justice (DOJ) and the Federal Trade Commission (FTC) (jointly, the United States) respectfully move this Court to administratively reopen and dismiss consolidated Case Nos. 23-1305 and 23-1311 (Order Consolidating Case Nos. 23-1305 and 23-1311, ECF 28).

In support of its motion, the United States respectfully submits:

1. Case Nos. 23-1305 and 23-1311 each sought a declaratory judgment that (i) the Hospitals’ transaction was not subject to the requirements of the Hart-Scott-Rodino (HSR) Act; and (ii) the Hospitals were not subject to penalties under the HSR Act for consummating the acquisition without complying with HSR requirements. Case No. 23-1305, ECF 1 (LCMC Compl.), ¶ 7; Case No. 23-1311, ECF 1 (HCA Compl.), ¶ 7.
2. On July 6, 2023, this Court stayed Case Nos. 23-1305 and 23-1311 and administratively closed them “until further order of this Court,” so that the Court may first resolve the FTC’s and the Hospitals’ summary judgment motions in Case No. 23-1890—the FTC’s

3. On September 27, 2023, this Court ruled on the FTC's and Hospitals' motions for summary judgment in the FTC's enforcement suit (Case No. 23-1890). *See* ECF 92 (Order Granting Hospitals' Motion for Summary Judgment); ECF 93 (Judgment Dismissing FTC's Claims). This Court determined that the Hospitals did not need to comply with the HSR Act. ECF 92 at 28.

Because the Court's ruling in the FTC's enforcement suit (Case No. 23-1890) is dispositive of Case Nos. 23-1305 and 23-1311, and the deadline to file a notice of appeal of the Court's ruling in that case has passed, the United States respectfully requests that the Court dismiss Case Nos. 23-1305 and 23-1311 once they are administratively reopened, with each party bearing its own costs.

The United States has conferred with parties for counsel, who do not oppose this motion.

Dated: May 20, 2024

Respectfully submitted,

/s/ Yixi (Cecilia) Cheng

Yixi (Cecilia) Cheng

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¹ Case No. 23-1890 is consolidated with Case Nos. 23-1305 and 23-1311. ECF 58.

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MAGISTRATE JUDGE

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ORDER

Considering the foregoing Motion to Administratively Reopen and Dismiss Case Nos. 23-1305 and 23-1311, **IT IS HEREBY ORDERED** that the Motion is **GRANTED**.

New Orleans, Louisiana, this _____ day of May, 2024.

JUDGE LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE