

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**     **Lina M. Khan, Chair**  
                              **Rebecca Kelly Slaughter**  
                              **Alvaro M. Bedoya**  
                              **Melissa Holyoak**  
                              **Andrew Ferguson**

**In the Matter of**

**Novant Health, Inc.,  
a corporation,**

**and**

**Community Health Systems, Inc.,  
a corporation,**

**Respondents.**

**DOCKET NO. 9425**

**PUBLIC**

**EXPEDITED TREATMENT  
REQUESTED**

**JOINT MOTION TO DISMISS COMPLAINT**

Complaint Counsel and Respondents Novant Health, Inc. (“Novant”) and Community Health Systems, Inc. (“CHS”) jointly move to dismiss the complaint in the above-captioned matter. As set forth in the Attachment, as of June 28, 2024, Novant has withdrawn its Hart-Scott-Rodino Notification and Report Form filed for the proposed transaction. The complaint is now moot.

Upon the Commission’s dismissal of the complaint, the parties agree to jointly move to dismiss as moot the Commission’s pending federal appeal before the U.S. Court of Appeals for the Fourth Circuit. *See FTC v. Novant Health*, No. 24-1526 (4th Cir. 2024). Further, and as part of that same motion to the Court of Appeals, the Commission will move to vacate the district court’s order pursuant to the *Munsingwear* doctrine. *See United States v. Munsingwear*, 340 U.S. 36 (1950);

*accord FTC v. Food Town Stores*, 547 F.2d 247, 248-49 (4th Cir. 1977).<sup>1</sup>

The parties respectfully request the Commission's expedited treatment of this motion. The evidentiary hearing in this matter is scheduled to begin in less than a month. And the parties have a pending appeal in federal court. If this complaint can be dismissed and resolution of this matter can be achieved, time is of the essence to avoid unnecessary expenditures of resources relating to litigation.

Accordingly, the parties respectfully request that the Commission dismiss the complaint. A proposed order is attached.

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<sup>1</sup> Novant has represented to Complaint Counsel that it will not oppose this motion.

Dated: July 1, 2024

Respectfully Submitted,

/s/ Nathan Brenner

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*Counsel Supporting the Complaint*

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**[PROPOSED] ORDER**

This matter comes before the Commission on Complaint Counsel and Respondents' Joint Motion to Dismiss the Complaint. Having considered the motion, it is hereby ORDERED:

The Joint Motion to Dismiss the Complaint, dated July 1, 2024, is GRANTED, and the complaint is DISMISSED without prejudice.

By the Commission.

ORDERED:

\_\_\_\_\_  
April Tabor  
Secretary

ISSUED: \_\_\_\_\_

# ATTACHMENT

**From:** Rotenberg, Jonathan <jonathan.rotenberg@katten.com>  
**Sent:** Friday, June 28, 2024 2:27 PM  
**To:** premerger; premerger@usdoj.gov  
**Cc:** Martin, Laura Keidan; Musick, Vesselina  
**Subject:** Withdrawal of HSR Filing - Transaction Number 20231072

All:

Our Firm represents Novant Health, Inc. (“Novant”), the acquiring person in connection with Premerger Transaction Number 20231072 (the “Transaction”). Pursuant to 16 C.F.R. § 803.12(a), we write to notify you that Novant hereby withdraws its HSR filing in connection with the Transaction, effective immediately. Novant does not intend to resubmit its HSR filing.

Respectfully,

Jonathan

**Jonathan Rotenberg**

Partner

**Katten**

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## CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2024, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

April Tabor  
Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-113  
Washington, DC 20580  
ElectronicFilings@ftc.gov

The Honorable Jay L. Himes  
Administrative Law Judge  
Federal Trade Commission  
Northeast Regional Office  
1 Bowling Green  
New York, NY 10004

I also certify that I caused the foregoing document to be served via email to:

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