

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

**COMMISSIONERS:**        **William E. Kovacic, Chairman**  
                                  **Pamela Jones Harbour**  
                                  **Jon Leibowitz**  
                                  **J. Thomas Rosch**

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<b>In the Matter of</b>	)	
	)	
	)	
<b>Inova Health System Foundation,</b>	)	
<b>a corporation, and</b>	)	<b>Docket No. 9326</b>
	)	
<b>Prince William Health System, Inc.</b>	)	
<b>a corporation.</b>	)	

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**ORDER DESIGNATING ADMINISTRATIVE LAW JUDGE**

The Federal Trade Commission has determined to designate Commissioner J. Thomas Rosch as the Administrative Law Judge in this adjudicative proceeding. Section 556(b)(2) of the Administrative Procedure Act (APA) permits the Commission to determine whether the Commission itself, one or more Commissioners, or an administrative law judge appointed under 5 U.S.C. § 3105 of the APA will “preside at the taking of evidence” in adjudications conducted under Section 554 of the APA<sup>1</sup> -- such as this adjudicative proceeding<sup>2</sup> -- and to carry out all the functions permitted by Section 556(c) of the APA and Part 3 of the Commission Rules of Practice.<sup>3</sup> Consistent with that authority, Commission Rule 3.42 gives the Commission full discretion to determine whether it should preside over a particular adjudicative proceeding itself; designate one or more Members of the Commission to preside over the proceeding; or refer the proceeding to an administrative law judge.<sup>4</sup>

In this matter, the Commission has determined to designate Commissioner Rosch as the Administrative Law Judge based on his 40 years of experience as a trial lawyer, predominantly in the context of complex competition law cases, making him the best available candidate to sit

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<sup>1</sup> 5 U.S.C. § 556(b).

<sup>2</sup> Part 3 of the Commission Rules of Practice governs the procedures used in Commission adjudicative proceedings. See 16 C.F.R. § 3.1 *et seq.* (2008).

<sup>3</sup> 5 U.S.C. § 556(c).

<sup>4</sup> 16 C.F.R. § 3.42.

as a trier of fact in this case. In all respects, Commissioner Rosch will act as an Administrative Law Judge, and will not participate in any appeal from any initial decision.<sup>5</sup> Accordingly,

**IT IS ORDERED THAT** J. Thomas Rosch, a Commissioner of the Federal Trade Commission, be, and he hereby is, designated and appointed to serve as the Administrative Law Judge presiding over the adjudicative proceedings in this matter; and

**IT IS FURTHER ORDERED THAT** the Commission hereby transfers adjudicative responsibility for this matter to Commissioner Rosch, in his capacity as Administrative Law Judge presiding over the adjudicative proceedings in this matter.

By the Commission, Commissioner Rosch not participating.

Donald S. Clark  
Secretary

ISSUED: May 9, 2008

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<sup>5</sup> As in all Commission adjudicative proceedings, Commissioner Rosch's jurisdiction as the Administrative Law Judge in this matter will terminate "upon the filing of his initial decision . . ." *Id.* § 3.51(e)(2).