

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

COMMISSIONERS: **Lina M. Khan, Chair**
 Rebecca Kelly Slaughter
 Alvaro M. Bedoya

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| In the Matter of |) | |
| |) | |
| IQVIA Holdings Inc., |) | |
| a corporation, |) | DOCKET NO. 9416 |
| |) | |
| and |) | PUBLIC |
| |) | |
| Propel Media, Inc., |) | |
| a corporation. |) | |

**JOINT EXPEDITED MOTION FOR CONTINUANCE OF
EVIDENTIARY HEARING AND PRE-HEARING CONFERENCE**

Pursuant to FTC Rule 3.41, Complaint Counsel and Respondents IQVIA Holdings Inc. and Propel Media, Inc. jointly move to continue the commencement of the administrative hearing currently scheduled to begin on December 20, 2023 to January 18, 2024 in the above-captioned matter—after a decision is expected on the FTC’s request for a preliminary injunction in the parallel federal court proceeding. The Parties also jointly move to continue the pre-hearing conference currently scheduled for December 19, 2023 to January 17, 2024. The Parties agree that a brief continuance will not unduly delay resolution of the proceedings in this matter. The Commission has routinely granted continuances under circumstances such as these, and there is good cause for it to do so here.

BACKGROUND

On July 17, 2023, the FTC filed a Complaint for a Temporary Restraining Order and Preliminary Injunction in the United States District Court for the Southern District of New York pursuant to Section 13(b) of the Federal Trade Commission Act. *See FTC v. IQVIA Holdings Inc.*, No. 1:23-cv-06188-ER, ECF No. 1 (S.D.N.Y. 2023). The district court held an evidentiary hearing on the FTC’s preliminary injunction request from November 20 to December 1, 2023, held closing arguments on December 8, and informed the Parties that they could expect a decision by December 29, 2023. The court has also entered a temporary restraining order preventing the consummation of the proposed acquisition until after December 29, 2023 or the third business day after the district court issues its decision on the FTC’s preliminary injunction, whichever occurs earlier. *Id.*, ECF No. 154.

Complaint Counsel filed the complaint in this action on July 17, 2023, and the evidentiary hearing is scheduled to begin with opening arguments on December 20, 2023 and a pre-hearing conference on December 19, 2023. However, Judge Chappell has ordered that proceedings be recessed until January 18, 2024, and has extended the deadlines in this case to correspond with that recess.

DISCUSSION

FTC Rule 3.41(b) authorizes the Commission to “order a later date for the evidentiary hearing” for good cause. The Commission has routinely concluded that good cause exists in similar circumstances. *See In re Hackensack Meridian Health, Inc.*, 2021 WL 2379546, at *2, Dkt. 9399 (F.T.C. May 25, 2021); *see also In re Thomas Jefferson Univ.*, Dkt. 9392, 2020 WL 7237952, at *2 (F.T.C. Nov. 6, 2020) (60-day continuance); *In re RAG-Strifung*, Dkt. 9384, 2020 WL 91294, at *2–3 (F.T.C. Jan. 2, 2020) (49-day continuance); *In re Sanford Health*, Dkt. 9376,

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2017 WL 6604532, at *1–2 (F.T.C. Dec. 21, 2017) (continuance until 21 days after federal appellate court decision); *In re The Penn State Hershey Med. Ctr.*, Docket No. 9368, 2016 WL 3345405, at *1 (F.T.C. June 10, 2016) (similar); *In re Advocate Health Care Network*, Docket No. 9369, 2016 WL 3182774, at *2 (F.T.C. June 2, 2016) (26-day continuance).

Under these well-reasoned decisions, good cause supports issuing a continuance here. Opening statements in the Part 3 evidentiary hearing are scheduled to occur less than two weeks before a decision is expected on the FTC’s preliminary injunction request. If the federal district court’s decision does not obviate the need for this administrative proceeding, continuing the evidentiary hearing until January 18, 2024 will not unduly delay resolution of this matter. Indeed, as the Commission has recognized, “a short delay in the start of the administrative hearing w[ill] not harm the Commission or the public interest should it be necessary for the administrative adjudication to go forward.” Order Granting Continuance at 2, *In re Advocate Health Care Network*, D09369 (F.T.C. May 6, 2016). This is particularly true here, because this Part 3 proceeding and the preliminary injunction proceedings in federal court have been proceeding in parallel for months—though there is still at least one deposition still to be conducted—fact discovery in Part 3 is largely complete, expert reports have been served, and the Parties are engaged in final pre-trial preparation for the hearing. The Parties will thus be ready to try this case before Judge Chappell upon the expiration of the continuance.

Finally, the Parties request that consideration of this motion be expedited given that opening statements are scheduled to occur on December 20.

RELIEF REQUESTED

For these reasons, the Parties respectfully request that the Commission grant this motion.

Dated: December 12, 2023

Respectfully submitted,

/s/ Chantale Fiebig

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[Proposed] Order Granting the Joint Expedited Motion for a Continuance

Having considered the Parties’ joint expedited motion for a continuance of the commencement of the administrative hearing currently scheduled to begin on December 20, 2023 and the pre-hearing conference currently scheduled for December 19, 2023, the motion is hereby GRANTED. The administrative hearing shall begin on January 18, 2024, and the pre-hearing conference shall be held on January 17, 2024.

By the Commission.

ISSUED:

April J. Tabor
Secretary

Date: _____, 2023

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CERTIFICATE OF SERVICE

I hereby certify that, on December 12, 2023, I caused the foregoing document to be electronically filed with the Secretary of the Commission using the Federal Trade Commission's e-filing system, causing the document to be served on all of the following registered participants:

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The Honorable D. Michael Chappell
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I also certify that I caused the foregoing document to be served via email to:

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CERTIFICATE FOR ELECTRONIC FILING

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the original filing, and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

/s/ Chantale Fiebig

Chantale Fiebig