

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

_____)	
UNITED STATES OF AMERICA,)	CIVIL ACTION NO. 98-475 JJF
)	
Plaintiff,)	FILED 10/22/01
)	
vs.)	
)	
FEDERATION OF PHYSICIANS AND)	
DENTISTS, INC.,)	
)	
Defendant.)	
_____)	

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The Court has jurisdiction over the subject matter of this action and over both of the parties, and venue of this action is proper in the District of Delaware.

2. The parties consent that a Final Judgment in the form attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own action, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

3. If plaintiff withdraws its consent, or if the proposed Final Judgment is not entered pursuant to the terms of this Stipulation, this Stipulation shall be of no effect whatsoever, and the making of this Stipulation shall be without prejudice to either party in this or in any other proceeding.

4. The defendant agrees to be bound by the injunctive provisions contained in Section IV of the proposed Final Judgment pending its approval by the Court.

5. The defendant agrees that, until the end of 2001, it will not act as a messenger, or negotiate any actual or proposed payer contract or contract term with any payer, on behalf of any orthopedic surgeons practicing in Delaware, except with a payer that has, in writing, authorized such activity and if the activity so authorized is in compliance with Paragraphs IV(A) (3) and IV(A) (8) (a) - (i), as may be applicable.

6. Within 30 days from the filing of this Stipulation, defendant agrees that it shall notify, in writing, each of its orthopedic surgeon members in Delaware that defendant is prohibited during 2001 from acting as a messenger or negotiating on behalf of any orthopedic surgeons practicing in Delaware unless the payer has, in writing, authorized such activity, and the activity so authorized is in compliance with Paragraphs IV(A) (3) and IV(A) (8) (a) - (i), as may be applicable.

7. Within 30 days from the filing of this Stipulation, defendant agrees that it shall notify, in writing, each payer doing business in Delaware with which defendant has communicated on behalf of any orthopedic surgeon, that defendant is prohibited during 2001 from acting as a messenger or negotiating on behalf

of any orthopedic surgeons practicing in Delaware unless the payer has, in writing, authorized such activity, and the activity so authorized is in compliance with Paragraphs IV(A) (3) and IV(A) (8) (a) - (i), as may be applicable.

DATED:

FOR PLAINTIFF:

_____/s/
Charles A. James
Assistant Attorney General

_____/s/
R. Hewitt Pate
Deputy Assistant Attorney General

_____/s/
Mary Jean Moltenbrey
Director of Civil
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