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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

UNITED STATES OF AMERICA and the)	
)	
STATE OF IDAHO,)	
)	
Plaintiffs,)	Civil Case No. 10-268-S.EJL
)	
v.)	
)	PLAINTIFF UNITED STATES'
IDAHO ORTHOPAEDIC SOCIETY,)	EXPLANATION OF CONSENT
TIMOTHY DOERR,)	DECREE PROCEDURES
JEFFREY HESSING,)	
IDAHO SPORTS MEDICINE INSTITUTE,)	
JOHN KLOSS,)	
DAVID LAMEY, and)	
TROY WATKINS,)	
)	
Defendants.)	
_____)	

Plaintiff United States of America submits this memorandum summarizing the procedures for entry of the proposed Final Judgment as set forth by the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16(b)-(h) (the "APPA"), which applies in civil antitrust cases brought and settled by the United States. As described below, the APPA provides that certain events must occur prior to the Court's signing and entering the proposed Final Judgment to

resolve this case.

1. Today, the United States has filed a Complaint, Stipulation, proposed Final Judgment, and Competitive Impact Statement. The parties have agreed that the Court may enter the proposed Final Judgment following compliance with the APPA.

2. The APPA requires that the United States publish the proposed Final Judgment and Competitive Impact Statement in the *Federal Register* and in certain newspapers at least sixty (60) days prior to entry of the proposed Final Judgment. The notice will inform members of the public that they may submit comments about the proposed Final Judgment to the United States Department of Justice, Antitrust Division (*see* 15 U.S.C. § 16(b)-(c)).

3. During the sixty-day period, the United States will consider, and at the close of that period respond to, any comments that it has received, and it will publish the comments and the United States' responses in the *Federal Register*.

4. After the expiration of the sixty-day period, the United States will file with the Court the comments and the United States' responses, and it may ask the Court to enter the proposed Final Judgment (unless the United States has decided to withdraw its consent to entry of the Final Judgment, as permitted by paragraph 2 of the Stipulation, *see* 15 U.S.C. § 16(d)).

5. If the United States requests that the Court enter the proposed Final Judgment after compliance with the APPA, 15 U.S.C. § 16(e)-(f), then the Court may enter the Final Judgment without a hearing, provided that it concludes that the Final Judgment is in the public interest.

Dated: May 28, 2010

Respectfully submitted,

FOR PLAINTIFF
UNITED STATES OF AMERICA

/s/

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