

# **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA and  
STATE OF MICHIGAN,

*Plaintiffs,*

v.

W.A. FOOTE MEMORIAL HOSPITAL,  
D/B/A ALLEGIANCE HEALTH,

*Defendant.*

Case No.: 5:15-cv-12311-JEL-DRG  
Judge Judith E. Levy  
Magistrate Judge David R. Grand

**CERTIFICATE OF COMPLIANCE WITH PROVISIONS OF THE  
ANTITRUST PROCEDURES AND PENALTIES ACT**

Plaintiff United States of America, by the undersigned attorney, certifies that it has complied with the provisions of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), and states:

1. The proposed Final Judgment (Docket No. 122-1) was filed on February 9, 2018, and the Competitive Impact Statement (Docket No. 125) was filed on February 27, 2018;
2. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and Competitive Impact Statement were published in the *Federal Register* on March 7, 2018, *see* 83 Fed. Reg. 9750-60 (2018);

3. Pursuant to 15 U.S.C. § 16(b), copies of the proposed Final Judgment and Competitive Impact Statement were furnished to all persons requesting them and made available on the Department of Justice, Antitrust Division's internet site.

4. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment and Competitive Impact Statement was published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, beginning on March 5, 2018, and ending on March 11, 2018, and in the *Detroit Free Press*, a newspaper of general circulation in the Eastern District of Michigan, beginning on March 8, 2018, and ending on March 14, 2018;

5. The 60-day comment period specified in 15 U.S.C. § 16(b) commenced no later than March 14, 2018, and terminated no later than May 14, 2018;

6. The United States did not receive any public comments on the proposed Final Judgment;

7. As noted in the Competitive Impact Statement, there were no determinative materials or documents within the meaning of 15 U.S.C. § 16(b) that were considered by the United States in formulating the proposed Final Judgment, so none was furnished to any person pursuant to 15 U.S.C. § 16(b) or listed pursuant to 15 U.S.C. § 16(c).

8. On February 21, 2018, pursuant to 15 U.S.C. § 16(g), Defendant Henry Ford Allegiance Health (“Allegiance”) filed with the Court a description of communications by or on behalf of Allegiance with any officer or employee of the United States concerning or relevant to the proposed Final Judgment (Docket No. 124);

9. Pursuant to 15 U.S.C. § 16(e), the Court may enter the proposed Final Judgment after it determines that the proposed Final Judgment serves the public interest;

10. The United States’ Competitive Impact Statement demonstrates that the proposed Final Judgment satisfies the public interest standard of 15 U.S.C. § 16(e); and

11. The parties have now satisfied all the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), as a condition for entering the proposed Final Judgment, and it is now appropriate for the Court to make the necessary public interest determination required by 15 U.S.C. § 16(e) and to enter the Final Judgment.

May 21, 2018

s/Andrew Robinson  
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