

# **EXHIBIT C**

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA and the  
STATE OF NORTH CAROLINA,

Plaintiffs,

v.

THE CHARLOTTE-MECKLENBURG  
HOSPITAL AUTHORITY, d/b/a  
CAROLINAS HEALTHCARE SYSTEM,

Defendant.

Case No. 3:16-cv-00311-RJC-DCK

**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)-(d) (“APPA”), and states:

1. The proposed Final Judgment and the Joint Stipulation and Order, by which the parties have agreed to the Court’s entry of the Final Judgment following compliance with the APPA, were filed with the Court on November 15, 2018 (Dkt. No. 87-1). The Competitive Impact Statement was filed with the Court on December 4, 2018 (Dkt. No. 89).

2. As required by 15 U.S.C. § 16(b), the proposed Final Judgment and Competitive Impact Statement were published in the *Federal Register* on December 11, 2018, *see* 83 Fed. Reg. 63,674.

3. As required by 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment and Competitive Impact Statement were published for seven days in *The Charlotte*

*Observer* and *The Washington Post*, for seven days beginning on December 7, 2018, and ending on December 13, 2018.

4. As required by 15 U.S.C. § 16(b), copies of the proposed Final Judgment, Competitive Impact Statement, and Complaint were furnished to all persons requesting them and made available on the Department of Justice, Antitrust Division's website.

5. 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.

6. The sixty-day comment period specified in 15 U.S.C. § 16(b) and (d) for the receipt and consideration of written comments, during which the proposed Final Judgment could not be entered, commenced on December 14, 2018, and terminated on February 11, 2019.

7. The United States received and responded to one comment on the proposed Final Judgment. The comment and the United States' response were filed with the Court on April 1, 2019 and were published in the Federal Register on April 11, 2019, *see* 84 Fed. Reg. 14,675.

8. The Defendant has complied with the requirements of 15 U.S.C. § 16(g) and filed with the Court descriptions of its written or oral communications by or on behalf of the Defendant with any officer or employee of the United States concerning the proposed Final Judgment (Dkt. No. 96).

9. Concurrently with this Certificate of Compliance, the United States has filed a modified proposed Final Judgment. The modifications to the original proposed Final Judgment do not change the structure or substance of the remedy in the original proposed Final Judgment or implicate the interest of any non-party.

10. The parties have satisfied all the requirements of the APPA that were conditions

for entering the modified proposed Final Judgment. The Court may now enter the Final Judgment if the Court determines that, pursuant to 15 U.S.C. § 16(e), entry of the Final Judgment is in the public interest. The United States' Competitive Impact Statement and Response to Comment demonstrate that the modified proposed Final Judgment satisfies the public-interest standard of 15 U.S.C. § 16(e).

11. Plaintiffs thus request that this Court enter the modified proposed Final Judgment without further proceedings and is authorized by counsel for Defendant to state that Defendant joins in this request.

Dated: April 11, 2019

Respectfully submitted,

/s Catherine R. Reilly  
Catherine R. Reilly  
U.S. Department of Justice  
Antitrust Division  
450 Fifth Street, NW, Suite 4100  
Washington, DC 20530  
Telephone: (202) 598-2744  
Email: catherine.reilly@usdoj.gov