

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

DANIELLE SEAMAN, individually and  
on behalf of all others similarly situated,

*Plaintiff,*

v.

DUKE UNIVERSITY, *et al.*,

*Defendants.*

Civil No. 1:15-cv-462-CCE-JLW

Judge Catherine C. Eagles

**UNITED STATES OF AMERICA’S  
UNOPPOSED MOTION TO INTERVENE**

Pursuant to Rule 24 of the Federal Rules of Civil Procedure, the United States of America moves to intervene in the above-captioned matter for the limited purpose of joining in the proposed settlement and thereby obtaining the right to enforce any injunctive relief ordered by the Court against Defendant Duke University and any related Duke entities named as defendants in this case (hereafter, the “Duke Defendants”)<sup>1</sup> in the resolution of this case.

As explained in the accompanying Memorandum in Support of the United States of America’s Unopposed Motion to Intervene (Exhibit A), the United States has in the past entered into consent judgments with other parties involving “no-poach” agreements as part of its enforcement of the antitrust laws. The United States has a strong interest in having effective deterrence and enforcement mechanisms to protect against future violations. Here, the United States seeks intervention pursuant to Fed. R. Civ. P. 24(b)(2)(A) and (B) to protect its interests in

---

<sup>1</sup> The Second Amended Complaint also named Duke University Health System and Does 1-20 as defendants. Doc. 109.

enforcing Section 1 of the Sherman Act, which is the basis of the Plaintiff Class' claim, and to enforce the Duke Defendants' settlement commitment not to enter into unlawful no-poach agreements in the future.

Plaintiff Class and the Duke Defendants do not oppose the United States' motion to intervene for these purposes. A Pleading in Intervention is attached as Exhibit B to this Motion. For these and other reasons explained in the accompanying memorandum, the United States respectfully requests that this Court grant this motion and permit the United States' limited intervention to join in the proposed settlement and thereby obtain the right to enforce any injunctive relief entered by the Court against any of the Duke Defendants in the resolution of this case. A proposed Order is attached as Exhibit C.

Respectfully submitted,

Dated: May 20, 2019

/s/ Barry L. Creech

Barry L. Creech, DC Bar No. 421070  
John P. Lohrer, DC Bar No. 438939  
Trial Attorneys  
Antitrust Division  
United States Department of Justice  
450 Fifth Street, NW; Suite 4042  
Washington, DC 20530  
Tel: (202) 307-2110  
Fax: (202) 307-5802  
Email: barry.creech@usdoj.gov

*Specially Appearing Under Local Rule 83.1(d)*

**CERTIFICATE OF SERVICE**

I, Barry L. Creech, hereby certify that on May 20, 2019, I caused to be electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties by operation of the Court's electronic filing systems.

Dated: May 20, 2019

/s/ Barry L. Creech  
Barry L. Creech