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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF ARIZONA

12 United States of America and the State of
13 Arizona,

14 Plaintiffs,

15 v.

16 Arizona Hospital and Healthcare
17 Association and AzHHA Service
18 Corporation,

19 Defendants.

CASE NO. CV07-1030-PHX-JAT

**MEMORANDUM IN SUPPORT OF
MOTION FOR ENTRY OF
PROPOSED FINAL JUDGMENT**

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ENTRY OF PROPOSED FINAL JUDGMENT**

20 Pursuant to Section 2(e)-(f) of the Antitrust Procedures and Penalties Act ("the
21 APPA"), 15 U.S.C. §16(e)-(f), with the consent of the Defendants, the United States moves
22 for entry of the proposed Final Judgment in this civil antitrust action. The United States'
23 Certificate of Compliance, certifying that the parties have complied with all applicable
24 provisions of the APPA and that the waiting period imposed by the APPA has expired, is
25 being filed simultaneously with this Memorandum. The Competitive Impact Statement
26 (Dkt# 3) demonstrates that the proposed Final Judgment is in the public interest, and the
27 United States requests that the Court enter the Final Judgment after the Court determines
28 that its entry is in the public interest.

I. The United States and the Defendants have complied with the APPA

29 The APPA prescribes a sixty-day period for the submission of comments on the
30 proposed Final Judgment, following completion of the requisite publications. 15 U.S.C.
§16(b). The sixty-day comment period commenced on June 23, 2007, and ended on August

22, 2007. During this period, the United States received no comments on the proposed Final Judgment.

As the Certificate of Compliance filed by the United States simultaneously with this Memorandum demonstrates, the settling parties have completed all of the procedures required by the APPA for entry of the proposed Final Judgment. It is now appropriate for the Court to make the public interest determination required by 15 U.S.C. §16(e), and to enter the Final Judgment. The Court will retain jurisdiction to construe, modify or enforce the Final Judgment.

II. The Proposed Final Judgment Satisfies the "Public Interest" Standard

The United States incorporates by reference here its previously filed Competitive Impact Statement (Dkt# 3) in which the United States explained how the proposed Final Judgment effectively remedies the Defendants' violation alleged in the Complaint and prevents its recurrence. The public, including affected competitors and customers, has had an opportunity to comment on the proposed Final Judgment as required by statute. No comments were received. There has been no showing that the proposed settlement, embodied in the Final Judgment, constitutes an abuse of the Department of Justice's discretion or that it is not consistent with the public interest, or is otherwise inadequate under the applicable standard of review, as explained in pages 14-16 of the Competitive Impact Statement.

III. Conclusion

For the reasons set forth in this Memorandum and in the Competitive Impact Statement, the Court should find that the proposed Final Judgment is in the public interest. Further, there is no just reason to delay the entry of the proposed Final Judgment.

Dated: September 7, 2007

/s/ Ryan Danks

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