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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA and  
STATE OF MONTANA,

*Plaintiffs,*

v.

BLUE CROSS AND BLUE SHIELD  
OF MONTANA, INC., BILLINGS  
CLINIC, BOZEMAN DEACONESS  
HEALTH SERVICES, INC.,  
COMMUNITY MEDICAL CENTER,  
INC., NEW WEST HEALTH  
SERVICES, INC., NORTHERN  
MONTANA HEALTH CARE, INC.,  
and ST. PETER'S HOSPITAL,

*Defendants.*

Case No.1:11-cv-00123-RFC

**Plaintiff United States'**  
**Explanation of Consent Decree Procedures**

Plaintiff United States of America (“United States”) submits this short memorandum summarizing the procedures regarding the Court’s entry of the proposed Final Judgment. This Judgment would settle this case pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h) (the “APPA”), which applies to civil antitrust cases brought and settled by the United States.

1. Today, the United States and the State of Montana have filed a Complaint, Asset Preservation and Stipulation Order, 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 cause to be published a summary of the terms of the proposed Final Judgment and the Competitive Impact Statement in certain newspapers at

least 60 days before 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 60-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 60-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 IV(A) of the Asset Preservation Stipulation and Order, *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: November 8, 2011

Respectfully submitted,

/s/ Peter J. Mucchetti

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## CERTIFICATE OF SERVICE

I hereby certify that, on November 8, 2011, a copy of the foregoing document was served on the following persons by the following means:

  1   CM/ECF  
      Hand Delivery  
      U.S. Mail  
      Overnight Delivery Service  
      Fax  
  2,3  E-Mail

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