

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 1:05-cv-431
vs.)	
)	Hon. Sandra S. Beckwith, C.J.
FEDERATION OF PHYSICIANS AND)	
DENTISTS, <i>et al.</i> ,)	Hon. Timothy S. Hogan, M.J.
)	
Defendants.)	

Plaintiff's Certificate of Compliance with the Antitrust Procedures and Penalties Act

Plaintiff, United States of America, by the undersigned attorneys, hereby certifies its compliance with the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C.

§ 16(b)-(g), before entry of the Final Judgment as to the Federation of Physicians and Dentists and Lynda Odenkirk ("Final Judgment") as follows:

1. The settlement Stipulation between the United States and defendants Federation of Physicians and Dentists and Federation employee Lynda Odenkirk ("Federation defendants") was filed with the Court on June 19, 2007 (Dkt. Entry # 81). The proposed Final Judgment was lodged with the Court on the same day. (Dkt. Entry # 81-1). The plaintiff's Competitive Impact Statement Concerning The Proposed Final Judgment As To The Federation of Physicians and Dentists and Lynda Odenkirk ("Competitive Impact Statement") was filed on July 2, 2007 (Dkt. Entry # 84).

2. In the settlement Stipulation, plaintiff and the Federation defendants agreed that the proposed Final Judgment may be entered by the Court, upon the

motion of any stipulating party, or upon the Court's own action, at any time after compliance with the requirements of the APPA, and without further notice to any stipulating party or other proceedings.

3. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and Competitive Impact Statement were published in the Federal Register, along with the Complaint, on July 18, 2007, at 72 Fed. Reg. 39,450 (copy attached as Attachment 1).

4. Pursuant to 15 U.S.C. § 16(c), the United States caused to be published a summary of the terms of the Complaint, proposed Final Judgment, and the Competitive Impact Statement, and a list of the documents (the Complaint, proposed Final Judgment, and Competitive Impact Statement) that the United States would make available for purposes of assisting meaningful public comment on the proposed Final Judgment in: (a) the *Washington Post*, a newspaper of general circulation in the District of Columbia, beginning on July 18, 2007, and continuing through July 24, 2007 (Attachment 2); and (b) the *Cincinnati Enquirer*, a newspaper of general circulation in Cincinnati, Ohio, beginning on July 20, 2007, and continuing through July 26, 2007 (Attachment 3).

5. Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement were furnished to all persons requesting them from plaintiff.

6. On July 2, 2007, each of the Federation defendants filed, as required by 15 U.S.C. § 16(g), a certification and description of all written or oral communications, except by counsel of record alone, by or on behalf of defendant with any officer or

employee of the United States concerning or relevant to the proposed Final Judgment. (Dkt. Entry # 83).

7. During the sixty-day period prescribed by 15 U.S.C. § 16(b) for the receipt and consideration of written comments relating to the proposed Final Judgment, which commenced on July 27, 2007, and ended on September 24, 2007, the United States received five comments. (Dkt. Entry # 86-1, 2, 3, 4, 5).

8. On December 17, 2007, pursuant to 15 U.S.C. § 16(d), the United States filed with the Court its Response to Comments. (Dkt. Entry # 86).

9. On January 24, 2008, pursuant to 15 U.S.C. § 16(d), the United States had its Response to Comments published in the Federal Register at 73 Fed. Reg. 4,268 (copy attached as Attachment 4).

Accordingly, all requirements of the APPA conditioning the Court's public-interest determination before entering the proposed Final Judgment have been satisfied.

Dated: February 27, 2008

Respectfully submitted,

/s/ Gerald F. Kaminski

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CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which send notification of such filing to the following CM/ECF participants:

Thomas W. Brooks
David Marvin Cook
Kimberly L. King
Robert E Rickey

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