

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)	Hon. Timothy S. Hogan, M.J.
DENTISTS, LYNDA ODENKIRK, <i>et al.</i>)	
)	
Defendants.)	

**PLAINTIFF’S NOTICE OF THE APPLICABILITY OF THE
ANTITRUST PROCEDURES AND PENALTIES ACT TO THE
FINAL JUDGMENT AS TO DEFENDANTS FEDERATION
OF PHYSICIANS AND DENTISTS AND LYNDA ODENKIRK**

In the above-referenced civil antitrust case filed today by the United States, the United States has filed Plaintiff’s Stipulation with Defendants Federation of Physicians and Dentists, and lodged a proposed Final Judgment as to the Federation of Physicians and Dentists and Lynda Odenkirk (“Final Judgment”).

The Court’s consideration of the Final Judgment is governed by § 5(b)-(h) of the Clayton Act, 15 U.S.C. § 16(b)-(h), commonly known as the Antitrust Procedures and Penalties Act (“the Act”). The Act requires that certain steps be taken before the Court may enter the proposed Final Judgment.

In the near future, the United States will file a Competitive Impact Statement (“CIS”) complying with the Act’s requirement that, when a proposed consent judgment is filed, a CIS explaining the nature of the case and the proposed relief must also be filed.

Within 10 days after the CIS is filed, the Act requires each settling defendant to file a description of certain communications with the government.

The Act also requires that the United States publish the proposed Final Judgment and the CIS in the Federal Register and in newspapers a summary of the proposed Final Judgment, CIS and a list of materials available to aid comment. After the later of the Federal Register and requisite newspaper publications, at least 60 days must elapse before the Court may enter the proposed Final Judgment. This period is intended to allow time for the public to submit comments to the United States regarding the proposed Final Judgment and for the United States to respond. The Act further provides that, at the close of the period for comments, the United States shall publish, in the Federal Register, its response to comments received and also file it with the Court.

Once all of the Act's requirements have been met by the parties, the United States will likely file with the Court a motion for entry of the proposed Final Judgment that includes a Certificate of Compliance with the Act. After the motion is filed, the Court may enter the proposed Final Judgment if it concludes that, pursuant to 15 U.S.C. § 16(e)-(f), entry of the judgment is in the public interest.

Dated: June 19, 2007

FOR PLAINTIFF UNITED STATES OF AMERICA:

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s/ Gerald Kaminski
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s/ Steven Kramer
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CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2007, I electronically filed the foregoing Plaintiff's Notice of the Applicability of the Antitrust Procedures and Penalties Act to the Final Judgment as to Defendants Federation of Physicians and Dentists and Lynda Odenkirk with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

David M. Cook, Esq. of Cook, Portune & Logothesis (Cincinnati) (as Trial Attorney for Defendant Federation of Physicians and Dentists, and Trial Attorney for Defendant Lynda Odenkirk), and

Kimberly L. King, Esq. of Hayward & Grant, P.A. (Tallahassee, FL) (as Attorney for Defendant Federation of Physicians and Dentists, and Attorney for Defendant Lynda Odenkirk).

s/ Paul Torzilli
PAUL J. TORZILLI
Attorney
United States Department of Justice