

FILED

JUN 24 2005

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

JAMES BONINI, Clerk
CINCINNATI, OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FEDERATION OF PHYSICIANS AND
DENTISTS, et al.,

Defendants.

Civil Action No.

1:05 CV 431

**PLAINTIFF'S NOTICE OF THE APPLICABILITY OF THE
ANTITRUST PROCEDURES AND PENALTIES ACT TO THE
FINAL JUDGMENT AS TO SETTLING PHYSICIAN DEFENDANTS**

In the above-referenced civil antitrust case filed today by the United States, the United States has also filed Plaintiff's Stipulation with Settling Physician Defendants, Dr. Warren Metherd, Dr. Michael Karram, and Dr. James Wendel, and a proposed Final Judgment As To Settling Physician Defendants ("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.

Within the near future, the United States will fill 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. After the Federal Register publication, 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 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, after determining compliance with Fed. R. Civ. P. 54(b), and if it concludes that, pursuant to 15 U.S.C. § 16(e)-(f), entry of the judgment is in the public interest.

Dated: June 24, 2005

FOR PLAINTIFF UNITED STATES OF AMERICA:

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CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2005, copies of the foregoing Plaintiff's Notice of the Applicability of the Antitrust Procedures and Penalties Act to the Final Judgement as to Settling Physician Defendants were served by facsimile and first-class regular U.S. mail, postage prepaid, to:

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