

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FEDERATION OF PHYSICIANS AND
DENTISTS, et al.,

Defendants.

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)
) Civil Action No. 1:05-cv-431
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) **FILED Jun 24, 2005**
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PLAINTIFF'S STIPULATION WITH SETTLING PHYSICIAN DEFENDANTS

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The Court has jurisdiction over the subject matter of this action and over each of the stipulating parties, and venue of this action is proper in the Southern District of Ohio.

2. The stipulating parties consent that a Final Judgment in the form attached may be filed with and entered by the Court, upon the motion of either party or upon the Court's own action, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16 and in accordance with Fed. R. Civ. P. 54(b), and without further notice to either party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on each stipulating Defendant and by filing that notice with the Court.

3. Each stipulating Defendant shall abide by and comply with the provisions of the proposed Final Judgment, pending the Judgment's entry by the Court, or until expiration of time for all appeals of any Court ruling declining entry of the proposed Final Judgment, and shall, from the date of the signing of this Stipulation, comply with all terms and provisions of the proposed Final Judgment as though the same were in full force and effect as an order of the Court.

4. This Stipulation shall apply with equal force and effect to any amended proposed Final Judgment agreed upon in writing by the parties and submitted to the Court.

5. If any other Defendant in this action proceeds to litigation, each stipulating Defendant agrees to comply with a notice and subpoena issued by the plaintiff, pursuant to Fed. R. Civ. P. 30 and 45, for that Defendant's deposition testimony.

6. If (a) Plaintiff has withdrawn its consent, as provided in Paragraph 2 above, or (b) the proposed Final Judgment is not entered pursuant to this Stipulation, the time has expired for all appeals of any Court ruling declining entry of the proposed Final Judgment, and the Court has not otherwise ordered continued compliance with the terms and provisions of the proposed Final Judgment, then the parties are released from all further obligations under this Stipulation, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

FOR PLAINTIFF UNITED STATES OF AMERICA:

Gregory G. Lockhart
United States Attorney

_____/s/_____
Gerald F. Kaminski
Assistant United States Attorney
Bar No. 0012532

Dated: June 24, 2005

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Dated: June 22, 2005

FOR DEFENDANT WARREN METHERD:

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Dated: June 23, 2005

FOR PLAINTIFF UNITED STATES OF AMERICA:

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United States Attorney

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Dated: June 24, 2005

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FOR DEFENDANT MICHAEL KARRAM:

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Dated: June 24, 2005

FOR PLAINTIFF UNITED STATES OF AMERICA:

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FOR DEFENDANT JAMES WENDEL:

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Dated: June 23, 2005

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2005, copies of the foregoing Plaintiff's Stipulation With Settling Physician Defendants were served by facsimile and first-class regular U.S. mail, postage prepaid, to:

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/s/
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