

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, et al.

Plaintiffs,

v.

FIRST DATA CORPORATION,

and

CONCORD EFS, INC.,

Defendants.

CASE NUMBER: 1:03CV02169 (RMC)

**MOTION OF THE UNITED STATES TO ADD THE
COMMONWEALTH OF PENNSYLVANIA AS A PLAINTIFF**

1. Pursuant to Rule 21 of the Federal Rules of Civil Procedure, Plaintiff United States respectfully moves the Court for entry of an order adding the Commonwealth of Pennsylvania (hereinafter “Pennsylvania”) as a plaintiff to this matter. Rule 21 provides that “[p]arties may be dropped or added by order of the court on motion of any party . . . at any stage of the action on such terms as are just.”

2. The United States of America, the states of Connecticut, Louisiana, Massachusetts, New York, Ohio and Texas, and the District of Columbia filed a Verified Complaint in this matter on October 23, 2003.

3. Pennsylvania wants to join this lawsuit as a plaintiff. Attachment A to this Motion is a statement from counsel for Pennsylvania authorizing Pennsylvania’s participation in this lawsuit and its adoption of the plaintiffs’ Verified Complaint.

4. Section 16 of the Clayton Act, 15 U.S.C. § 26, authorizes Pennsylvania to bring a

suit for injunctive relief to prevent a violation of Section 7 of the Clayton Act, 15 U.S.C. § 18, as alleged in the plaintiffs' Verified Complaint.

5. Defendants would not be prejudiced by the addition of Pennsylvania as a plaintiff. The addition of Pennsylvania introduces no additional legal or factual issues to this lawsuit. The United States has raised the subject of this motion with counsel for defendants, who have no objection to it.

6. A proposed order granting this Motion is included as Attachment B.

Respectfully Submitted,

_____/s/_____
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