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Attorney for the United States

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

UNITED STATES OF AMERICA and the)	
)	
STATE OF IDAHO,)	
)	
Plaintiffs,)	Civil Case No. 10-268-S.EJL
)	
v.)	
)	CERTIFICATE OF COMPLIANCE WITH
IDAHO ORTHOPAEDIC SOCIETY,)	THE ANTITRUST PROCEDURES AND
TIMOTHY DOERR,)	PENALTIES ACT
JEFFREY HESSING,)	
IDAHO SPORTS MEDICINE INSTITUTE,)	
JOHN KLOSS,)	
DAVID LAMEY, and)	
TROY WATKINS,)	
)	
Defendants.)	
_____)	

Plaintiff United States of America, by the undersigned attorney, hereby certifies that it has complied with the Antitrust Procedures and Penalties Act, 15 U.S.C. §16(b)-(h), and states:

1. Plaintiffs and defendants have stipulated to the entry of the proposed Final Judgment in a Stipulation filed with the Court on May 28, 2010.
2. The proposed Final Judgment was filed with the Court on May 28, 2010.

3. The Competitive Impact Statement was filed with the Court on May 28, 2010.
4. The proposed Final Judgment, Complaint, and Competitive Impact Statement were published in the *Federal Register* on June 7, 2010. *United States v. Idaho Orthopaedic Society, et al.*, 75 Fed. Reg. 32210.
5. A summary of the proposed Final Judgment was published in
 - a. *The Idaho Statesman*, a newspaper of general circulation in the District of Idaho, for seven days beginning on June 2, 2010, and ending on June 9, 2010 (see attachment), and
 - b. *The Washington Post*, a newspaper of general circulation in the District of Columbia, for seven days beginning on June 20, 2010, and ending on June 26, 2010 (see attachment).
6. Copies of the Stipulation, proposed Final Judgment, and Competitive Impact Statement were furnished to all persons requesting them and made available on the Antitrust Division's Internet site.
7. On June 7, 2010, defendants Idaho Orthopaedic Society, Timothy Doerr, Jeffrey Hessing, Idaho Sports Medicine Institute, John Kloss, and Troy Watkins jointly filed with the Court a description of written or oral communications by or on behalf of each of these defendants, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment, as required by 15 U.S.C. § 16(g). On June 22, 2010, defendant David Lamey filed with the Court a description of written or oral communications by or on behalf of himself, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment, as required by 15 U.S.C. § 16(g).

8. The sixty-day comment period prescribed by 15 U.S.C. § 16(b) and (d) for the receipt and consideration of written comments, during which time the proposed Final Judgment could not be entered, ended on August 25, 2010.

9. The United States did not receive any comments on the proposed Final Judgment.

10. The parties have satisfied all of the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), as a condition for entering the proposed Final Judgment, and it is now appropriate for the Court to make the necessary public-interest determination required by 15 U.S.C. § 16(e) and to enter the proposed Final Judgment.

Dated: August 26, 2010

Respectfully submitted,

FOR PLAINTIFF
UNITED STATES OF AMERICA

/s/
Peter J. Mucchetti
United States Department of Justice
Antitrust Division, Litigation I Section
450 Fifth Street, N.W., Suite 4100
Washington, D.C. 20530
Telephone: (202) 353-4211
Facsimile: (202) 307-5802
Peter.J.Mucchetti@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2010, I filed the foregoing Certificate of Compliance with Provisions of the Antitrust Procedures and Penalties Act electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

For Defendants Idaho Orthopaedic Society, Timothy Doerr, Jeffrey Hessing, Idaho Sports Medicine Institute, John Kloss, and Troy Watkins:

Mark J. Botti (mbotti@akingump.com)
Raymond D. Powers (rdp@powerstolman.com)
Terry C. Copple (tc@davisoncopple.com)

For Defendant David Lamey:

Steven J. Hippler (sjh@givenspursley.com)

For Plaintiff State of Idaho

Brett T. DeLange (brett.delange@ag.idaho.gov)

/s/

Peter J. Mucchetti
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Idaho Statesman

The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
1087078	0000504335	LEGAL NOTICE	IdOrthopaedicSociety	\$453.00	1	73

Attention: Hengyi Hu

US DEPT JUSTICE ANTITRUST DIVISION
950 PENNSYLVANIA AVE NW ROOM 3413
WASHINGTON DC 20530

LEGAL NOTICE
Department of Justice
Antitrust Division

Take notice that a proposed Final Judgment has been filed in a civil antitrust case, *United States of America v. Idaho Orthopaedic Society, Timothy Doerr, Jeffrey Hessing, Idaho Sports Medicine Institute, John Kloss, David Lamey, and Troy Watkins*, Civil Case No. 10-268, in the United States District Court for the District of Idaho against Defendants Idaho Orthopaedic Society, Timothy Doerr, Jeffrey Hessing, Idaho Sports Medicine Institute, John Kloss, David Lamey, and Troy Watkins. On May 28, 2010, the United States filed a Complaint alleging that each of the Defendants and other competing orthopedists and orthopedic practices in Idaho participated in one or more conspiracies to gain more favorable fees and other contractual terms by agreeing to coordinate their actions, including denying medical care to injured workers and to threaten to terminate their contracts with Blue Cross of Idaho, in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1, and Idaho Code Section 48-101 et seq. of the Idaho Competition Act. The proposed Final Judgment, filed the same time as the Complaint, enjoins the defendants from jointly agreeing with competing physicians regarding the amount of pay to accept from any payer or groups of payers or jointly boycotting any payer or group of payers. A Competitive Impact Statement filed by the United States describes the Complaint, the proposed Final Judgment, the industry, and the remedies available to private litigants who may have been injured by the alleged violation.

Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection at the Department of Justice, Antitrust Division, Antitrust Documents Group, 450 Fifth Street, N.W., Suite 1010, Washington, D.C. 20530 (telephone: 202-514-2481), on the Department of Justice's Web site at <http://www.justice.gov/atr>, and at the Office of the Clerk of the United States District Court for the District of Idaho.

Interested persons may address comments to Joshua H. Soven, Chief, Litigation I Section, Antitrust Division, U.S. Department of Justice, 450 Fifth Street, N.W., Suite 4100, Washington, D.C. 20530 (telephone: 202-307-0827), within 60 days of the date of this notice. Such comments, and responses thereto, will be published in the Federal Register and filed with the Court.
Pub. June 2-5, 7-9, 2010

0000504335-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

7 Insertions

Beginning issue of: 06/02/2010

Ending issue of: 06/09/2010

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 9 day of June in the year of 2010 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Janice Hildreth
Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires



Ad # 11122148 Name US DEPT OF JUSTICE/ANTI TRUS ATTN: CARO Size 94 Lines T0011
Class 815 PO# JJ10PZATRO387 Authorized by A DONNA BETHEA Account 1010122583

PROOF OF PUBLICATION

District of Columbia, ss., Personally appeared before me, a Notary Public in and for the said District, Kadedhra Greenidge well known to me to be BILLING SUPERVISOR of The Washington Post, a daily newspaper published in the City of Washington, District of Columbia, and making oath in due form of law that an advertisement containing the language annexed hereto was published in said newspaper on the dates mentioned in the certificate herein.

I Hereby Certify that the attached advertisement was published in The Washington Post, a daily newspaper, upon the following date(s) at a cost of \$6,025.48 and was circulated in the Washington metropolitan area.

Published 7 time(s). Date(s):20,21,22,23,24,25 and 26 of June 2010

Account 1010122583

Kadedhra Greenidge
Witness my hand and official seal this 28th day of July 2010

My commission expires _____

Nicole Morton-McFadden
Notary Public District of Columbia
My Commission Expires 05-31-2011

Newspaper Notice Department of Justice Antitrust Division Take notice that a proposed Final Judgment has been filed in a civil antitrust case, United States of America v. Idaho Orthopaedic Society, Timothy Doerr, Jeffrey Hessing, Idaho Sports Medicine Institute, John Kloss, David Lamey, and Troy Watkins, Civil Case No. 10-268, in the United States District Court for the District of Idaho against Defendants Idaho Orthopaedic Society, Timothy Doerr, Jeffrey Hessing, Idaho Sports Medicine Institute, John Kloss, David Lamey, and Troy Watkins. On May 28, 2010, the United States filed a Complaint alleging that each of the Defendants and other competing orthopedists and orthopedic practices in Idaho participated in one or more conspiracies to gain more favorable fees and other contractual terms by agreeing to coordinate their actions, including denying medical care to injured workers and to threaten to terminate their contracts with Blue Cross of Idaho, in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1, and Idaho Code Section 48-101 et seq. of the Idaho Competition Act. The proposed Final Judgment, filed the same time as the Complaint, enjoins the defendants from jointly agreeing with competing physicians regarding the amount of pay to accept from any payer or groups of payers or jointly boycotting any payer or group of payers. A Competitive Impact Statement filed by the United States describes the Complaint, the proposed Final Judgment, the industry, and the remedies available to private litigants who may have been injured by the alleged violation. Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection at the Department of Justice, Antitrust Division, Antitrust Documents Group, 450 Fifth Street, N.W., Suite 1010, Washington, D.C. 20530 (telephone: 202-514-2481), on the Department of Justice's Web site at <http://www.justice.gov/atr>, and at the Office of the Clerk of the United States District Court for the District of Idaho. Interested persons may address comments to Joshua H. Soven, Chief, Litigation I Section, Antitrust Division, U.S.

Ad # 11122148 Name US DEPT OF JUSTICE/ANTI TRUS ATTN: CARO Size 94 Lines T0012
Class 815 PO# JJ10PZATR0387 Authorized by A DONNA BETHEA Account 1010122583

Department of Justice, 450 Fifth Street, N.W., Suite 4100, Washington, D.C. 20530 (telephone:
202-
307-0827), within 60 days of the date of this notice. Such comments, and responses thereto, will
be
published in the Federal Register and filed with the Court.