

Peter J. Mucchetti (DCB No. 463202)  
U.S. Department of Justice Antitrust Division  
450 Fifth Street, NW, Suite 4100  
Washington, DC 20530  
peter.j.mucchetti@usdoj.gov  
Telephone: (202) 353-4211  
Facsimile: (202) 307-5802  
Attorney for the United States

(See signature page for the complete list of parties represented)

**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.	)	
	)	<b>STIPULATION</b>
IDAHO ORTHOPAEDIC SOCIETY,	)	
TIMOTHY DOERR,	)	
JEFFREY HESSING,	)	
IDAHO SPORTS MEDICINE INSTITUTE,	)	
JOHN KLOSS,	)	
DAVID LAMEY, and	)	
TROY WATKINS,	)	
	)	
Defendants.	)	
_____	)	

The undersigned parties hereby stipulate that:

1. The Court has jurisdiction over the subject matter of this action and over defendants Idaho Orthopaedic Society, Dr. Timothy Doerr, Dr. Jeffrey Hessing, Idaho Sports

Medicine Institute, Dr. John Kloss, Dr. David Lamey, and Dr. Troy Watkins. Each defendant waives service of summons on the Complaint; and venue is proper in the District of Idaho.

2. A proposed Final Judgment in the form attached hereto as Exhibit A may be filed with this Court by the United States and may be entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided that the United States has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on each Defendant and by filing that notice with the Court.

3. Each 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 by the parties, comply with all the 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 (1) the proposed Final Judgment is not entered pursuant to this Stipulation and the time has expired for all appeals of any court ruling declining entry of the proposed Final Judgment, or (2) the United States has withdrawn its consent, and the Court has not

otherwise ordered continued compliance with the terms and provisions of the proposed Final Judgment, then Defendants are released from all further obligations under this Stipulation and the making of this Stipulation shall be without evidentiary prejudice to any party in this or any other proceeding.

Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA



Peter J. Mucchetti (DCB No. 463202)

Antitrust Division

U.S. Department of Justice

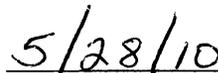
450 Fifth Street, NW, Suite 4100

Washington, DC 20530

Tel.: (202) 353-4211

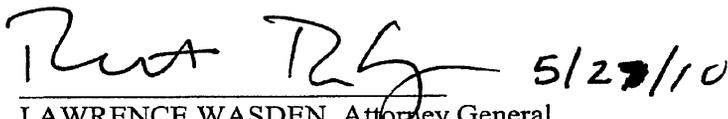
Fax: (202) 307-5802

peter.j.mucchetti@usdoj.gov



Date

FOR PLAINTIFF STATE OF IDAHO:



LAWRENCE WASDEN, Attorney General

BRETT DELANGE, Deputy Attorney General (ISB No. 3628)

Office of the Attorney General

Consumer Protection Division

954 W. Jefferson St., 2nd Floor

P. O. Box 83720

Boise, Idaho 83720-0010

Telephone: (208) 334-4114

Facsimile: (208) 334-4151

brett.delange@ag.idaho.gov

FOR DEFENDANTS IDAHO ORTHOPAEDIC SOCIETY, TIMOTHY DOERR,  
JEFFREY HESSING, IDAHO SPORTS MEDICINE INSTITUTE, JOHN KLOSS, and  
TROY WATKINS



Mark J. Botti

Akin Gump Strauss Hauer & Feld LLP  
1333 New Hampshire Ave., N.W.  
Washington, DC 20036-1564  
Tel.: (202) 887-4000  
Fax.: (202) 887-4288  
mbotti@akingump.com

5/27/10

Date

FOR DEFENDANT DAVID LAMEY



Steven J. Hippler  
Givens Pursley LLP  
601 W. Bannock St.  
Boise, Idaho 83702  
Tel.: (208) 388-1200  
Fax.: (208) 388-1300  
sjh@givenspursley.com

5-27-10

Date