

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

UNITEDHEALTH GROUP
INCORPORATED and
SIERRA HEALTH SERVICES, INC.,

Defendants.

Case No. 1:08-cv-322-ESH

**CERTIFICATE OF COMPLIANCE WITH PROVISIONS
OF THE ANTITRUST PROCEDURES AND PENALTIES ACT**

Plaintiff United States of America, by the undersigned attorneys, hereby certifies that, in compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (“APPA” or “Tunney Act”), the following procedures have been followed in preparation for the entry of the Final Judgment herein:

1. Plaintiff and defendants stipulated to the entry of the proposed Final Judgment on February 25, 2008, and a Hold Separate and Asset Preservation Stipulation and Order (“Stipulation”) along with the proposed Final Judgment and Competitive Impact Statement were filed with the Court on February 25, 2008;

2. The Stipulation, proposed Final Judgment, and Competitive Impact Statement were published in the *Federal Register* on March 10, 2008, *see* 73 Fed. Reg. 12762 (2008);

3. A summary of the terms of the proposed Final Judgment was published in the *Washington Post*, a newspaper of general circulation in the District of Columbia, for seven days starting on March 16, 2008 and ending on March 22, 2008, and in the *Las Vegas Review-Journal*,

a newspaper of general circulation in Las Vegas, Nevada, for seven days starting on March 8, 2008 and ending on March 14, 2008;

4. 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;

5. On March 5, 2008, defendants UnitedHealth Group Incorporated and Sierra Health Services, Inc. filed with the Court their disclosure statements concerning written or oral communications by or on behalf of the 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);

6. The sixty-day comment period for this matter prescribed by 15 U.S.C. § 16(b) and (d) for the receipt and consideration of written comments, during which the proposed Final Judgment could not be entered, ended on May 15, 2008;

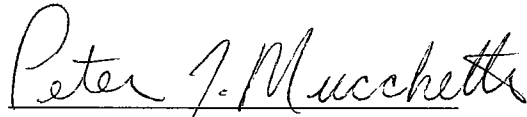
7. The United States received four public comments on the proposed Final Judgment on May 15, 2008, from the Service Employees International Union Local 1107; the American Medical Association, Nevada State Medical Association, and the Clark County Medical Society; the Honorable Nydia M. Velazquez, Chairwoman, United States House of Representatives Committee on Small Business; and the Honorable Chris Giunchigliani, Commissioner, Board of Commissioners - Clark County, Nevada; and

8. The United States responded to these comments, filing its Response to Public Comments and the public comments with this Court on July 7, 2008, and publishing the Response and the public comments in the *Federal Register* on August 22, 2008, *see* 73 Fed. Reg. 49834 (2008);

9. The parties in this action have now satisfied all 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 determinations required by 15 U.S.C. § 16(e) and to enter the proposed Final Judgment.

Dated: August 25, 2008

Respectfully Submitted,

A handwritten signature in cursive script, reading "Peter J. Mucchetti".

Peter J. Mucchetti (D.C. Bar # 463202)

Barry J. Joyce

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Trial Attorneys

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