

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

UNITED STATES OF AMERICA and
STATE OF TEXAS,

Plaintiffs,

v.

UNITED REGIONAL HEALTH CARE
SYSTEM,

Defendant.

Case No.: 7:11-cv-00030
Judge: Reed C. O'Connor
Filed: Feb. 25, 2011
Description: Antitrust

PLAINTIFF UNITED STATES⁹
EXPLANATION OF CONSENT DECREE PROCEDURES

Plaintiff United States of America ("United States") submits this short memorandum summarizing the procedures regarding the Court's entry of the proposed Final Judgment. This Judgment would settle this case pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b) (h) (the "APPA"), which applies to civil antitrust cases brought and settled by the United States.

1. Today, the plaintiffs United States and the State of Texas have filed a Complaint, Stipulation, proposed Final Judgment, and Competitive Impact Statement related to the proposed Final Judgment. The parties have agreed that the Court may enter the proposed Final Judgment following compliance with the APPA.

2. The APPA requires that the United States publish the proposed Final Judgment and Competitive Impact Statement in the *Federal Register* and cause to be published a summary of the terms of the proposed Final Judgment and the Competitive Impact Statement in certain newspapers at least sixty (60) days prior to entry of the proposed Final Judgment. The notice will inform members of the public that they may submit comments about the proposed Final Judgment to the United States Department of Justice, Antitrust Division (*see* 15 U.S.C. § 16(b) (c)).

3. During the sixty-day period, the United States will consider, and at the close of that period respond to, any comments that it has received, and it will publish the comments and the United States' responses in the *Federal Register*.

4. After the expiration of the sixty-day period, the United States will file with the Court the comments and the United States' responses, and it may ask the Court to enter the proposed Final Judgment (unless the United States has decided to withdraw its consent to entry of the Final Judgment, as permitted by paragraph 3 of the Stipulation, *see* 15 U.S.C. § 16(d)).

5. If the United States requests that the Court enter the proposed Final Judgment after compliance with the APPA, 15 U.S.C. § 16(e)-(f), then the Court may enter the Final Judgment without a hearing, provided that it concludes that the Final Judgment is in the public interest.

Dated: February 25, 2011

Respectfully submitted,

UNITED STATES OF AMERICA

s/ Scott I. Fitzgerald
Scott I. Fitzgerald (WA Bar #39716)
Attorney for the United States
U.S. Department of Justice
Antitrust Division
Litigation I
450 Fifth Street, NW, Suite 4100
Washington, DC 20530

CERTIFICATE OF SERVICE

On February 25, 2011, I, Scott I. Fitzgerald, electronically submitted a copy of the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system for the court. I hereby certify that I caused a copy of the foregoing document to be served upon Defendant United Regional Health Care System electronically or by another means authorized by the Court of the Federal Rules of Civil Procedure.

s/ Scott I. Fitzgerald

Scott I. Fitzgerald (WA Bar #39716)
Attorney for the United States
U.S. Department of Justice
Antitrust Division
Litigation I
450 Fifth Street, NW, Suite 4100
Washington, DC 20530