

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 2:16-3664

CHARLESTON AREA MEDICAL CENTER,
INC., and ST. MARY'S MEDICAL
CENTER, INC.,

Defendants.

ORDER

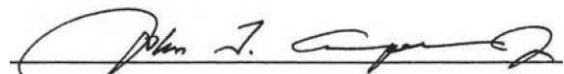
In the judgment order entered this day herein, the provision allowing for the court to extend the final judgment beyond five years states: "Unless this Court grants an extension, this Final Judgment shall expire five years from the date of its entry." Final Judgment at 8.

In order to determine the circumstances under which the phrase "[u]nless this Court grants an extension" is to be implemented by the court, a telephone conference by the court with counsel for each of the parties took place on October 19, 2016. The conference with the court was attended by Kathleen Kiernan and Peter Mucchetti for the United States, Robert McCann for Charleston Area Medical Center, Inc., and David Simon and Philip Babler for St. Mary's Medical Center, Inc. Pursuant to

the conference, it is agreed that the phrase "unless this Court grants an extension" is to be employed by the following standard: If it is determined during the course of the five years that one or both of the defendants has failed to comply with all of the terms of the judgment order, and if that default is continuing at the end of the five-year period, the court then has the discretion, on the motion of the United States, to extend the time of the jurisdiction of the court with respect to that which is in default for such period as is commensurate with the time needed to cure the default and for such further period until the default is corrected or performance is excused by the United States, whose consent shall not be unreasonably withheld.

The Clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: October 21, 2016

A handwritten signature in dark ink, appearing to read "John T. Copenhaver, Jr.", is written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge