

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

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

*Defendants.*

Case No.: 2:16-cv-03664-DLT

**UNITED STATES' EXPLANATION OF  
CONSENT DECREE PROCEDURE**

Plaintiff United States of America submits this short memorandum summarizing the procedures for entry of the proposed Final Judgment as set forth by the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16(b)-(h) (the "APPA"), which applies in civil antitrust cases brought by the United States. As described below, the APPA provides that certain events must occur prior to the Court signing and entering the proposed Final Judgment to resolve this case.

1. Today, the United States has filed a Complaint, proposed Final Judgment, Competitive Impact Statement, and Stipulation and Order between Plaintiffs and Defendants Charleston Area Medical Center, Inc. ("CAMC") and St. Mary's Medical Center, Inc. ("St. Mary's").

2. The Stipulation and Order contains the United States and Defendants' agreement that, after compliance with the APPA, the Court may enter the proposed Final Judgment. The APPA requires that the United States publish the proposed Final Judgment and the 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 days prior to entry of the proposed Final Judgment. Defendants in this case have agreed to arrange and bear the costs for the newspaper notices. The notices 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. The United States will consider and respond to any comments it receives before the end of the sixty-day period. The United States will publish its responses to the comments in the *Federal Register* and publish the comments in the *Federal Register* or through an alternative publication method authorized by the Court.

4. After the expiration of the sixty-day period, the United States will file with the Court the comments and its 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 Section 2 of the Stipulation and Order (*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 the Court concludes that the Final Judgment is in the public interest.

Dated: April 14, 2016

Respectfully submitted,

FOR PLAINTIFF  
UNITED STATES OF AMERICA

/s/ Kathleen Kiernan

Kathleen Kiernan  
Trial Attorney  
Antitrust Division  
U.S. Department of Justice  
Litigation I Section  
450 Fifth Street NW, Suite 4100  
Washington, DC 20530  
Phone: (202) 353-3100  
D.C. Bar # 1003748  
Email: [Kathleen.Kiernan@usdoj.gov](mailto:Kathleen.Kiernan@usdoj.gov)

CAROL A. CASTO  
Acting United States Attorney for the  
Southern District of West Virginia

/s/ Matthew Lindsay

Matthew Lindsay  
Assistant United States Attorney  
Robert C. Byrd U.S. Courthouse  
Suite 4000  
300 Virginia Street  
Charleston, WV 25301  
Tel. No. 304-340-2338  
Matthew.Lindsay@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on April 14, 2016, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system and sent it via email to the following counsel at the email addresses below.

Counsel for Defendant Charleston Area Medical Center, Inc.:

Robert W. McCann  
Drinker Biddle & Reath LLP  
[Robert.McCann@dbr.com](mailto:Robert.McCann@dbr.com)

Counsel for Defendant St. Mary's Medical Center, Inc.:

David Simon  
Foley & Lardner LLP  
[DSimon@foley.com](mailto:DSimon@foley.com)

/s/ Kathleen Kiernan  
Kathleen Kiernan  
Trial Attorney  
Antitrust Division  
U.S. Department of Justice  
Litigation I Section  
450 Fifth Street NW, Suite 4100  
Washington, DC 20530  
Phone: (202) 353-3100  
D.C. Bar # 1003748  
Email: [Kathleen.Kiernan@usdoj.gov](mailto:Kathleen.Kiernan@usdoj.gov)