

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
Tampa Division**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No.99-167-CIV-T-17F
)	
FEDERATION OF CERTIFIED)	
SURGEONS AND SPECIALISTS, INC., and)	
PERSHING YOAKLEY &)	
ASSOCIATES, P.C.,)	
)	
Defendants.)	
)	

**NOTICE OF FILING A PROPOSED FINAL JUDGMENT PURSUANT TO THE
ANTITRUST PROCEDURES AND PENALTIES ACT**

The United States submits this Notice summarizing the procedures regarding the Court's entry of the proposed Final Judgment. The proposed Final Judgment would settle this case pursuant to the Antitrust Procedures and Penalties Act ("Act"), 15 U.S.C. § 16(b)-(h), which applies to civil antitrust cases brought and settled by the United States. *Under the Act, the Final Judgment is not to be entered until the United States certifies compliance with the requirements of the Act and the Court concludes that entry of the Final Judgment is in the public interest.*

Today, the United States has filed a civil antitrust Complaint charging the Federation of Certified Surgeons and Specialists, Inc., and Pershing Yoakley & Associates, P.C., with violating Section 1 of the Sherman Act. Also filed with the Complaint are a proposed Final Judgment, a Competitive Impact Statement, and Stipulations between the parties by which the defendants agree to the Court's entry of the proposed Final Judgment following compliance with the Act. The Competitive Impact Statement reflects the Act's requirement of filing a competitive impact statement explaining the nature of the case and the proposed relief.

Under the Act, the United States must publish the proposed Final Judgment and the Competitive

Impact Statement in the Federal Register and publish for 7 days over a period of 2 weeks a summary of these pleadings in newspapers of general circulation in the Middle District of Florida and the District of Columbia. The Act provides for a 60-day period after publication for the public to submit comments to the Department of Justice regarding the proposed Final Judgment. The Act provides that the Department shall publish in the Federal Register, and file with the Court, any comments received and the Department's response to such comments. The defendants are required to file a description of certain communications with the government within 10 days after a proposed final judgment is filed. See 15 U.S.C. § 16(g).

Once all of the Act's requirements have been met, the United States will promptly file with the Court a Certificate of Compliance with the Act and a Motion for Entry of the Final Judgment (unless the United States decides to withdraw its consent to entry of the Final Judgment, as permitted by Paragraph 2 of the Stipulations). At that time, pursuant to Section 16(e)-(f) of the Act, the Court may enter the Final Judgment without a hearing, if it finds the Final Judgment is in the public interest.

DATED January 26, 1999.

FOR PLAINTIFF
UNITED STATES OF AMERICA

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By:

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