

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

COPY - The original was filed in
the Clerk's Office at Charleston on

FEB - 6 2006

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLESTON AREA MEDICAL CENTER,
INC.,

Defendant.

Civil Action No. 2:06-0091

Filed:

**PLAINTIFF UNITED STATES' EXPLANATION
OF CONSENT DECREE PROCEDURES**

Plaintiff 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 United States has filed a Complaint, Competitive Impact Statement, and proposed Final Judgment. The Defendant, Charleston Area Medical Center, Inc., has stipulated that the Court may enter the proposed Final Judgment following compliance with the APPA.

2. The APPA requires that the United States publish the Competitive Impact Statement and proposed Final Judgment in the *Federal Register* and 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 plaintiff 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 Judgment, as permitted by Paragraph 2 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 6, 2006


Respectfully submitted,

FOR PLAINTIFF UNITED STATES:



Peter J. Mucchetti
Mitchell H. Glende
Attorneys for the United States
Antitrust Division
United States Department of Justice
1401 H Street, N.W., Suite 4000
Washington, D.C. 20530
Telephone: (202) 353-4211
Facsimile: (202) 307-5802

Charles T. Miller
Acting United States Attorney

By: 
Kelly R. Curry
Assistant United States Attorney