

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

UNITED STATES OF AMERICA and the
STATE OF NORTH CAROLINA,

Plaintiffs,

v.

THE CHARLOTTE-MECKLENBURG
HOSPITAL AUTHORITY, d/b/a
CAROLINAS HEALTHCARE SYSTEM,

Defendant.

Case No. 3:16-cv-00311-RJC-DCK

**PLAINTIFFS' UNOPPOSED MOTION TO ENTER JOINT
STIPULATION AND STAY THE ACTION, NOTIFICATION OF
SETTLEMENT, AND EXPLANATION OF CONSENT DECREE PROCEDURES**

Plaintiff United States of America, Plaintiff State of North Carolina, and Defendant The Charlotte-Mecklenburg Hospital Authority, f/k/a Carolinas HealthCare System, now d/b/a Atrium Health (“Defendant”) (collectively the “Parties”) have reached a settlement of this case that is embodied in a proposed Final Judgment. As such, Plaintiffs move this Court (a) to enter the Joint Stipulation and Order Regarding the Final Judgment (“Stipulation”), which is attached hereto as Exhibit A, and to which the proposed Final Judgment is attached as Exhibit 1, and (b) to stay the case during the process required by the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16(b)-(h) (“Tunney Act”).

The Tunney Act, which applies in civil antitrust cases brought by the United States, provides that certain events must occur prior to the Court signing and entering the proposed Final Judgment to resolve this case. Below Plaintiffs summarize the Tunney Act process.

1. In the Stipulation, Defendant agrees to be bound by the provisions of the proposed Final Judgment pending its approval by the Court, *see* Exhibit A at ¶ 3, which may occur after the proceedings required by the Tunney Act are completed. The Parties ask that this Court enter the Stipulation as an Order of this Court and further stay this case and toll all deadlines under the Amended Pretrial Order and Case Management Plan while the proposed Final Judgment is the subject of the Tunney Act proceedings, described below.

2. The proposed Final Judgment may be entered by the Court, upon the motion of any Party or upon the Court's own initiative, at any time after compliance with the requirements of the Tunney Act, and without further notice to any Party or other proceeding, provided that the United States has not withdrawn its consent.

3. In addition to the proposed Final Judgment attached hereto, the United States will separately file with this Court a Competitive Impact Statement pursuant to the Tunney Act (*see* 15 U.S.C. § 16(b)).

4. The Tunney Act 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 the entry of the proposed Final Judgment. 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)).

5. During the sixty-day period, the United States will consider, and following the close of that period respond to, any comments that it has received and it will publish the comments and

the United States' responses thereto in the *Federal Register* or through an alternative publication method authorized by the Court.

6. After the expiration of the sixty-day period and the United States' filing with the Court any comments and the United States' responses thereto, the United States may ask the Court to enter the proposed Final Judgment, provided that the United States has not withdrawn its consent.

7. If the United States requests that the Court enter the proposed Final Judgment after compliance with the Tunney Act, 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. *See* 15 U.S.C. §§ 16(e)-(f).

Dated: November 15, 2018

Respectfully submitted,

FOR PLAINTIFF
UNITED STATES OF AMERICA

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CERTIFICATE OF SERVICE

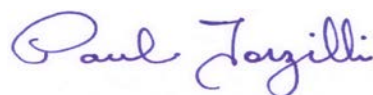
I certify that I served a true and correct copy of the foregoing via e-mail on the following

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