

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EVANGELICAL COMMUNITY
HOSPITAL

and

GEISINGER HEALTH,

Defendants.

Civil Action No.: 4:20-cv-01383-MWB

STIPULATION AND ORDER

It is hereby stipulated and agreed by and between the undersigned Parties, subject to approval and entry by the Court, that:

1. The Court has jurisdiction over the subject matter of this action and over each of the parties hereto. Venue of this action is proper in the United States District Court for the Middle District of Pennsylvania. Defendants waive service of summons of the Complaint.

2. The Parties stipulate that the proposed Final Judgment filed with this Stipulation and Order may be filed with and entered by the Court, upon the motion of the United States or upon the Court's own motion, after compliance with the requirements of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided that the United States has not withdrawn its consent. The United States may withdraw its consent at any time before the entry of the Final Judgment by providing notice

to Defendants and by filing that notice with the Court.

3. Defendants agree to arrange, at their expense, publication as quickly as possible of the newspaper notices required by the APPA, which will be drafted by the United States in its sole discretion. The publication must be arranged no later than three business days after Defendants' receipt from the United States of the text of the notice and the identity of the newspaper or newspapers within which the publication must be made. Defendants must promptly send to the United States (a) confirmation that publication of the newspaper notice has been arranged, and (b) the certification of the publication prepared by the newspaper or newspapers within which the notice was published.

4. From the date of the signing of this Stipulation and Order by Defendants until the Final Judgment in this matter is entered by the Court, or until expiration of time for all appeals of any ruling declining entry of the Final Judgment, Defendants will comply with all of the terms and provisions of the proposed Final Judgment.

5. From the date on which the Court enters the Stipulation and Order, the United States will have the full rights and enforcement powers set forth in the proposed Final Judgment just as if the proposed Final Judgment were in full force and effect as a final order of the Court.

6. This Stipulation and Order applies with equal force and effect to any amended proposed Final Judgment agreed upon in writing by the United States and Defendants and submitted to the Court.

7. In the event that (a) the United States has withdrawn its consent, as provided in Paragraph 2; (b) the United States voluntarily dismisses the Complaint in this matter; or (c) the Court declines to enter the proposed Final Judgment, the time has expired for all appeals of any ruling declining entry of the proposed Final Judgment, and the Court has not otherwise ordered

continued compliance with the terms and provisions of the proposed Final Judgment, Defendants are released from all further obligations under this Stipulation and Order and the making of this Stipulation and Order will be without prejudice to any party in this or any other proceeding.

8. Defendants represent that the actions they are required to perform pursuant to this Stipulation and Order and the proposed Final Judgment can and will be performed, and that Defendants will not later raise a claim of mistake, hardship, or difficulty of compliance as grounds for asking the Court to modify any of the provisions contained in this Stipulation and Order or the proposed Final Judgment.

Dated: March 3, 2021

Respectfully submitted,

FOR PLAINTIFF
UNITED STATES OF AMERICA:

/s/ Natalie Melada
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ORDER

IT IS SO ORDERED by the Court, this _____ day of _____, 2021.

United States District Judge