



**U.S. Department of Justice**

Antitrust Division

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October 22, 2001

BY HAND DELIVERY

Honorable Joseph J. Farnan, Jr.  
United States District Court  
for the District of Delaware  
Federal Building, Room 6325  
844 King Street  
Wilmington, DE 19801

Re: United States v. Federation of Physicians and Dentists, 98-CV-475

Dear Judge Farnan:

Enclosed for filing in the above-referenced case are a settlement Stipulation, a proposed Final Judgment, and a Competitive Impact Statement.

Settlement of civil antitrust cases brought by the United States is governed by § 5(b)-(h) of the Clayton Act, 15 U.S.C. § 16(b)-(h), commonly known as the Antitrust Procedures and Penalties Act. **The Act requires that certain steps be taken before the Court may enter the proposed Final Judgment.**

The Competitive Impact Statement submitted for filing today reflects the Act's requirement that, when a proposed consent judgment is filed, a Competitive Impact Statement explaining the nature of the case and the proposed relief must also be filed. Within 10 days after the enclosed papers are filed, the Act requires the defendant to file a description of certain communications with the government.

The Act also requires that the United States 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 notice of the proposed Final Judgment in newspapers of general circulation in the District of Delaware and the District of Columbia. At least 60 days must elapse, after the latter of the Federal Register publication or commencement of the newspaper publications, before entry of the Final Judgment. This period is intended to allow time for the public to submit comments to the United States regarding the proposed Final Judgment and for the United States

to respond. The Act further provides that, at the close of the period for comments, the United States shall publish, in the Federal Register, its response to comments received and also file it with the Court.

Once all of the Act's requirements have been met by the parties, the United States will file with the Court a Certificate of Compliance with the Act. After the United States' Certificate of Compliance with the Act is filed, the Court may enter the proposed Final Judgment after determining, pursuant to Section 5(e)-(f) of the Clayton Act, 15 U.S.C. § 16(e)-(f), that entry of the judgment is in the public interest.

If the Court wishes to discuss this matter, Steven Kramer of the Antitrust Division can be reached by telephone at (202) 305-2738. If he is unavailable, please feel free to call his colleague Richard Martin at (202) 307-1029.

Thank you for your attention to this matter.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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Enclosures

cc: Clerk of Court  
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