

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 1:05-cv-431
)	
vs.)	Hon. Sandra S. Beckwith, C.J.
)	
FEDERATION OF PHYSICIANS AND)	Hon. Timothy S. Hogan, M.J.
DENTISTS, <i>et al.</i>)	
)	
Defendants.)	

PLAINTIFF'S STIPULATION WITH DEFENDANTS
FEDERATION OF PHYSICIANS AND DENTISTS AND LYNDA ODENKIRK

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The stipulating parties consent that a Final Judgment in the form attached hereto as Exhibit 1 may be filed with and entered by the Court, upon the motion of any stipulating party or upon the Court's own action, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on each stipulating Defendant and by filing such notice with the Court.
2. Each stipulating Defendant agrees to abide by and comply with the provisions of the proposed Final Judgment, pending the Judgment's entry by the Court, or until expiration of time for all appeals of any Court ruling declining entry of the

proposed Final Judgment, and agrees to, from the date of the signing of this Stipulation, comply with all terms and provisions of the proposed Final Judgment as though the same were in full force and effect as an order of this Court.

3. This Stipulation shall apply with equal force and effect to any amended proposed Final Judgment agreed upon in writing by the parties and submitted to the Court.
4. If (a) Plaintiff has withdrawn its consent, as provided in Paragraph 1 above, or (b) the proposed Final Judgment is not entered pursuant to this Stipulation, the time has expired for all appeals of any Court 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, then the stipulating parties are released from all further obligations under this Stipulation, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.
5. Plaintiff United States agrees it will not initiate proceedings against the stipulating Defendants, based on the activities alleged in the Complaint in this action, for contempt of the Final Judgment entered on November 6, 2002, in *United States v. Federation of Physicians and Dentists* (CA 98-475 JFF) (D. Del.) ("Delaware Decree").

FOR PLAINTIFF UNITED STATES OF AMERICA:

Gregory G. Lockhart
United States Attorney



Gerald F. Kaminski (Bar No. 0012532)
Assistant United States Attorney

Dated: June 19, 2007

Office of the United States Attorney
221 E. 4th Street
Suite 400
Cincinnati, Ohio 45202
(513) 684-3711
gerald.kaminski@usdoj.gov
Attorney for Plaintiff United States of America



Steven Kramer
Paul Torzilli
Attorneys
Antitrust Division
U.S. Department of Justice
1401 H Street, N.W., Suite 4000
Washington, D.C. 20530
(202) 307-0997
steven.kramer@usdoj.gov
Attorneys for Plaintiff United States of America

Dated: June 19, 2007

FOR DEFENDANT FEDERATION OF PHYSICIANS AND DENTISTS and
FOR DEFENDANT LYNDA ODENKIRK:

David M. Cook

Dated: June 15, 2007

David M. Cook (Ohio Bar # 0023469)

Cook, Portune & Logothetis

22 West Ninth Street

Cincinnati, Ohio 45202

(513) 721-7500

dcook@dmcllc.com

Trial Attorney for Defendant Federation of Physicians and Dentists

Trial Attorney for Defendant Lynda Odenkirk

Kimberly L. King

Dated: June 15, 2007

Kimberly L. King

Hayward & Grant, P.A.

2121-G Killarney Way

Tallahassee, Florida 32309

(850) 386-4400

kking@kkinglaw.com

Attorney for Defendant Federation of Physicians and Dentists

Attorney for Defendant Lynda Odenkirk

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2007, I electronically filed the foregoing Plaintiff's Stipulation with Defendants Federation of Physicians and Dentists and Lynda Odenkirk with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

David M. Cook, Esq. of Cook, Portune & Logothetis (Cincinnati) (as Trial Attorney for Defendant Federation of Physicians and Dentists, and Trial Attorney for Defendant Lynda Odenkirk), and

Kimberly L. King, Esq. of Hayward & Grant, P.A. (Tallahassee, FL) (as Attorney for Defendant Federation of Physicians and Dentists, and Attorney for Defendant Lynda Odenkirk).

/s/ Paul Torzilli
PAUL J. TORZILLI
Attorney
United States Department of Justice