

EXHIBIT B

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLESTON AREA MEDICAL
CENTER, INC. and ST. MARY'S
MEDICAL CENTER, INC.,

Defendants.

Case No.: 2:16-cv-03664-JTC

**CERTIFICATE OF COMPLIANCE WITH PROVISIONS OF THE ANTITRUST
PROCEDURES AND PENALTIES ACT**

Plaintiff United States of America, by the undersigned attorney, certifies that it has complied with the provisions of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), and states:

1. The proposed Final Judgment (Docket No. 3:1) and Competitive Impact Statement (Docket No. 4) were filed on April 14, 2016;
2. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and Competitive Impact Statement were published in the *Federal Register* on April 26, 2016, *see* 81 Fed. Reg. 24636 (2016);
3. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment and Competitive Impact Statement was published in *The Washington Post*, a

newspaper of general circulation in the District of Columbia, and in the *Charleston Gazette-Mail*, a newspaper of general circulation in the Southern District of West Virginia, on the following days in 2016: April 26–29 and May 3–5;

4. The 60-day comment period specified in 15 U.S.C. § 16(b) commenced no later than May 5, 2016, and terminated no later than July 5, 2016;

5. The United States did not receive any public comments on the proposed Final Judgment;

6. On April 21, 2016, pursuant to 15 U.S.C. § 16(g), Defendant St. Mary’s Medical Center, Inc. (“St. Mary’s”) filed with the Court a description of communications by or on behalf of St. Mary’s with any officer or employee of the United States concerning or relevant to the proposed Final Judgment (Docket No. 6). On June 21, 2016, Defendant Charleston Area Medical Center, Inc. (“CAMC”) separately filed with the Court a description of communications by or on behalf of CAMC with any officer or employee of the United States concerning or relevant to the proposed Final Judgment (Docket Nos. 7);

7. Pursuant to the Stipulation and Order filed on April 14, 2016 (Docket No. 3), and 15 U.S.C. § 16(e), CAMC and St. Mary’s have stipulated that the Court may enter the proposed Final Judgment after it determines that the proposed Final Judgment serves the public interest;

8. The United States’ Competitive Impact Statement demonstrates that the proposed Final Judgment satisfies the public interest standard of 15 U.S.C. § 16(e); and

9. The parties have now satisfied all the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h), as a condition for entering the proposed Final Judgment, and it is now appropriate for the Court to make the necessary public interest determination required by 15 U.S.C. § 16(e) and to enter the proposed Final Judgment.

July 12, 2016

Respectfully submitted,

/s/ Kathleen Kiernan

Kathleen Kiernan (D.C. Bar #1003748)

Trial Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2016, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of the filing to the counsel of record for all parties for civil action 2:16-cv-03664-JTC, and I hereby certify that there are no individuals entitled to notice who are non-ECF participants.

/s/ Kathleen Kiernan

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