

EXHIBIT A

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

UNITED STATES OF AMERICA and
STATE OF NORTH CAROLINA,

Plaintiffs,

v.

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

Defendant.

Case No. 3:16-cv-00311

**JOINT STIPULATION AND ORDER
REGARDING THE PROPOSED FINAL JUDGMENT**

Plaintiffs, United States of America and State of North Carolina, and Defendant, The Charlotte-Mecklenburg Hospital Authority d/b/a Atrium Health f/k/a Carolinas HealthCare System (collectively, the “Parties”), by and through their attorneys, hereby stipulate, subject to approval and entry by the Court, as follows:

1. A proposed Final Judgment in the form attached hereto as Exhibit 1 may be filed and entered by the Court, upon the motion of any 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§ 16, (“APPA”) and without further notice to any Party or other proceedings, provided that the United States has not withdrawn its consent, which it may do at any time before the entry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 the Defendant and by filing the notice with the Court.

2. The Defendant agrees to arrange, at its expense, publication as quickly as possible of the newspaper notices required by the APPA, which shall be drafted by the United States in its sole discretion. The publication shall be arranged no later than three (3) business days after Defendant's receipt from the United States of the text of the notice and the identity of the newspapers within which the publication shall be made. The Defendant shall promptly send to the United States (1) confirmation that publication of the newspaper notices has been arranged, and (2) the certification of the publication prepared by the newspaper within which the notices were published.

3. The Defendant agrees to abide by and comply with the provisions of the proposed Final Judgment, pending the Court's entry of the proposed Final Judgment, or until expiration of time for all appeals of any Court ruling declining entry of the proposed Final Judgment, and agrees, from the date of the signing of this Stipulation, to comply with all terms and provisions of the proposed Final Judgment. The United States shall have the full rights and enforcement powers in the proposed Final Judgment as though the same were in full force and effect as a final order of this Court entering the proposed Final Judgment.

4. This Stipulation will apply with equal force and effect to any amended proposed Final Judgment agreed upon in writing by the Parties and submitted to the Court.

5. If (a) the United States 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 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.

6. The Defendant represents that the actions it is required to perform pursuant to the proposed Final Judgment can and will be performed, and that the Defendant will later raise no claim of mistake, hardship or difficulty of compliance as grounds for asking the Court to modify any of the provisions contained therein.

Dated: November 15, 2018

SO ORDERED:

Robert J. Conrad, Jr.
United States District Judge

SO STIPULATED:

FOR PLAINTIFF
UNITED STATES OF AMERICA:

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