## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
)
Plaintiff,
)
v.
UNITEDHEALTH GROUP INC. and SIERRA
HEALTH SERVICES, INC.,
Defendants.
)

Civil Action No. 08-322 (ESH)

## <u>ORDER</u>

The American Medical Association ("AMA") and the Service Employees International Union ("SEIU") have moved to participate as *amici curiae* in this case. Specifically, the AMA and SEIU ask "to participate in the Tunney Act proceedings by introducing evidence, filing this motion, and being heard at the September 24, 2008 hearing, or in a proceeding before a Special Master." (Joint Mot. at 14.) Under the Tunney Act, a court has wide discretion over the nature and scope of hearings held pursuant to its pubic interest determination. *See* 15 U.S.C. § 16(e)(2).

Additional evidence or hearings are not needed for the public interest determination. Movants' chief argument is that the potential harm is broader than that alleged in the complaint, which only addresses the Medicare Advantage market. (Joint Mot. at 6.) However, under *United States v. SBC Communications*, 489 F. Supp. 2d 1, 13-14 (D.D.C. 2007), the Court's review is limited to the scope of the complaint, so the Court cannot consider any additional information about other markets. Moreover, for the reasons stated in open court, the government has established that its proposed remedies sufficiently address the potential harm to the Medicare Advantage market. Therefore, for these reasons, as well as those stated in open court, it is hereby

**ORDERED** that the Joint Motion for Leave to Appear as Amici Curiae [Dkt. #15] is

**GRANTED IN PART** and **DENIED IN PART**. The motion is granted to the extent that the motion has been accepted into the record, and the parties have had the opportunity to be heard at the hearing on this date. However, the motion is denied insofar as movants request the opportunity to file additional pleadings, introduce evidence, or have further hearings.

## SO ORDERED.

/s/ ELLEN SEGAL HUVELLE United States District Judge

Date: September 24, 2008