

UNITED STATES OF AMERICA

existing, and doing business under and by virtue of the laws of the State of Ohio, with its principal place of business located at 6350 Glenway Ave., Suite 415, Cincinnati, Ohio, 45211.

4. Proposed Respondents admit all the jurisdictional facts set forth in the draft of Complaint here attached.
5. Proposed Respondents waive:
 - a. any further procedural steps;
 - b. the requirement that the Commission's Decision and Order, attached hereto and made a part hereof, contain a statement of findings of fact and conclusions of law;
 - c. all rights to seek judicial review or otherwise to challenge or contest the validity of the Decision and Order entered pursuant to this Consent Agreement; and
 - d. any claim under the Equal Access to Justice Act.
6. This Consent Agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this Consent Agreement is accepted by the Commission it, together with the draft of Complaint contemplated thereby, will be placed on the public record for a period of thirty (30) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Consent Agreement and so notify the Proposed Respondents, in which event it

means specified in Commission Rule 4.4(a), 16 C.F.R. § 4.4(a), shall constitute service. Proposed Respondents waive any right they may have to any other manner of service. The Complaint may be used in construing the terms of the Decision and Order, and no agreement, understanding, representation, or interpretation not contained in the Decision and Order or the Consent Agreement may be used to vary or contradict the terms of the Decision and Order.

9. Proposed Respondents have read the draft of the Complaint and the Decision and Order contemplated hereby. By signing this Consent Agreement, Proposed Respondents represent that the full relief contemplated by this Consent Agreement can be accomplished. Proposed Respondents understand that once the Decision and Order has

SPORTS MEDICINE,
a professional corporation.

By: _____
Sandra A. Eisele, M.D., President
Orthopaedic Consultants of Cincinnati, Inc., dba
Wellington Orthopaedics & Sports Medicine.

Signed this _____ day of _____, 2004

Michael E. DeFrank, Esq.
Hemmer Spoor Pangburn DeFrank, PLLC
Counsel for New Millennium Orthopaedics, LLC
and Orthopaedic Consultants of Cincinnati, Inc.,
dba Wellington Orthopaedics & Sports Medicine.

Signed this _____ day of _____, 2004

**BEACON ORTHOPAEDICS & SPORTS MEDICINE,
LTD.,**
a limited liability company.

By: _____
Robert R. Burger, M.D., President
Beacon Orthopaedics & Sports Medicine, Ltd.

Signed this _____ day of _____, 2004

William M. Freedman, Esq.
Dinsmore & Shohl, LLP
Counsel for New Millennium Orthopaedics, LLC
and Beacon Orthopaedics & Sports Medicine, Ltd.

Signed this _____ day of _____, 2004

FEDERAL TRADE COMMISSION

By: _____
Gwen Fanger
Sylvia Kundig
Attorneys

APPROVED:

Jeffrey A. Klurfeld
Director
Western Region
Federal Trade Commission

Jeffrey Brennan
Associate Director for the Regions
Federal Trade Commission

Susan A. Creighton
Director
Bureau of Competition
Federal Trade Commission