

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

FEDERAL TRADE COMMISSION, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	1:08-cv-460 CMH/JFA
INOVA HEALTH SYSTEM FOUNDATION,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

**JOINT STIPULATED MOTION FOR ORDER DISMISSING COMPLAINT**

Plaintiffs, the Federal Trade Commission and the Attorney General of the Commonwealth of Virginia, jointly move with Defendants, Inova Health System Foundation (“Inova”) and Prince William Health System, Inc. (“PWHS”) to dismiss the complaint for preliminary injunction in the above-captioned matter.

On June 6, 2008, Defendants publicly announced that they are abandoning the proposed merger between Inova and PWHS. Subsequently, Inova and PWHS each withdrew their Hart-Scott-Rodino Notification and Report Forms filed for the proposed transaction. Therefore, the complaint in this action is now moot as there is no proposed transaction to enjoin. Accordingly, the parties respectfully request that the Court dismiss the complaint without prejudice. A proposed order is attached.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Michelle Fetterman  
VA Bar No. 68141  
Federal Trade Commission  
601 New Jersey Ave., N.W.  
Washington, D.C. 20580  
Phone: (202) 326-2073  
Fax: (202) 326-2286  
mfetterman@ftc.gov

Matthew Reilly  
Thomas J. Lang

Bureau of Competition  
Federal Trade Commission  
600 New Jersey Ave., N.W.  
Washington, D.C. 20580  
Phone: (202) 326-3665  
mreilly@ftc.gov  
tlang@ftc.gov

*Counsel for Plaintiff Federal Trade  
Commission*

\_\_\_\_\_/s/\_\_\_\_\_  
David B. Irvin (VA Bar No. 23927)  
Senior Assistant Attorney General  
Sarah Oxenham Allen (VA Bar No. 33217)  
Assistant Attorney General  
Antitrust & Consumer Litigation Section  
Office of the Attorney General  
Commonwealth of Virginia  
900 East Main Street  
Richmond, Virginia 23219  
Phone: (804) 786-2071  
Fax: (804) 786-0122  
[dirvin@oag.state.va.us](mailto:dirvin@oag.state.va.us)  
[SOAllen@oag.state.va.us](mailto:SOAllen@oag.state.va.us)

*Counsel for Plaintiff Commonwealth of  
Virginia*

\_\_\_\_\_/s/\_\_\_\_\_  
Randall K. Miller (VA Bar No. 70672)  
Nicholas M. DePalma (VA Bar No. 72886)  
ARNOLD & PORTER LLP  
1600 Tysons Boulevard, Suite 900  
McLean, VA 22102-4865  
Main: 703.720.7000  
Direct: 703.720.7030  
Facsimile: 703.720.7399  
Email: Randall.Miller@aporter.com  
Email: Nicholas.Depalma@aporter.com

David P. Gersch  
Arnold & Porter LLP  
555 Twelfth Street, N.W.  
Washington, DC 20004-1206  
Phone: 202-942-5125  
David.Gersch@aporter.com

*Counsel for Defendants Inova Health  
System Foundation and Prince William  
Hospital System*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 11<sup>th</sup> day of June, 2008, I have caused the foregoing Joint Stipulated Motion for Order Dismissing Complaint and the accompanying proposed Order Dismissing Complaint to be filed electronically with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to the following counsel:

Randall K. Miller, Esq.  
Nicholas M. DePalma, Esq.  
ARNOLD & PORTER LLP  
1600 Tysons Boulevard, Suite 900  
McLean, VA 22102-4865  
Randall.Miller@aporter.com  
Nicholas.Depalma@aporter.com

*Counsel for Defendants Inova Health System Foundation and Prince William Hospital System*

I FURTHER CERTIFY that on such date I have caused these documents to be served on the following counsel via electronic mail:

David B. Irvin, Esq.  
Senior Assistant Attorney General  
Sarah Oxenham Allen, Esq.  
Assistant Attorney General  
Office of the Attorney General  
Commonwealth of Virginia  
900 East Main Street  
Richmond, Virginia 23219  
dirvin@oag.state.va.us  
SOAllen@oag.state.va.us

*Counsel for Plaintiff Commonwealth of Virginia*

\_\_\_\_\_/s/\_\_\_\_\_  
Michelle Fetterman  
VA Bar No. 68141  
Federal Trade Commission  
601 New Jersey Ave., N.W.  
Washington, D.C. 20580  
Phone: (202) 326-2073  
Fax: (202) 326-2286  
mfetterman@ftc.gov

*Counsel for Plaintiff Federal Trade  
Commission*