

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA, <i>et. al.</i>)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case 1:18-cv-02340-RJL
)	
CVS HEALTH CORPORATION)	
)	
and)	
)	
AETNA INC.)	
)	
<i>Defendants.</i>)	
)	
)	

**MOTION FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE
BY THE AMERICAN MEDICAL ASSOCIATION**

Pursuant to Local Rule 7(o), the American Medical Association (AMA) respectfully moves for leave to participate in this case as amicus curiae. The Tunney Act enables a court to “authorize full or limited participation in proceedings before the court by interested persons or agencies, including appearance amicus curiae.” 15 U.S.C. § 16(f)(3). This Court has already permitted four organizations to submit amicus briefs in this case. If this motion is granted, the AMA proposes that it file its brief on March 13, 2019.

The AMA is the largest professional association of physicians, residents and medical students in the United States. Additionally, through state and specialty medical societies and other physician groups seated in its House of Delegates, substantially all United States physicians, residents and medical students are represented in the AMA’s policymaking process. AMA members practice and reside in all states and in the District of Columbia. The objectives of the AMA are to promote the science and art of medicine and the betterment of public health.

The AMA and its members have an interest in ensuring that their patients enjoy the benefits of competition in the many markets affected by the merger between CVS and Aetna. In studying this merger, the AMA has sought the views of prominent health economists, health policy and antitrust experts. The AMA has concluded that this merger would harm competition and patients and that the divestiture remedy contained within the Proposed Final Judgment (PFJ) will not restore competition in the Medicare Part D Stand Alone Prescription Drug Plan Market to premerger levels. Thus, the AMA seeks to submit an amicus brief opposing the United States' motion for entry of the PFJ. Such a brief would be particularly valuable because it would explain the expert opinions and other input the AMA received during its review of the proposed merger, and because no filing in this case addresses the United States' responses to public comments, which were filed on February 13, 2019.

Pursuant to Local Rule 7(m), the AMA has asked all parties' counsel for their position on this motion (except for the State of Mississippi, which has no counsel listed on the docket). The United States "does not oppose the AMA's participation for the sole purpose of filing an amicus brief." The United States also noted that "this lack of opposition does not extend to a motion to intervene or a request to participate at a hearing, if one is held." The States of California and Florida take the same position. The States of Hawaii and Washington do not oppose this motion. All other parties did not respond.

Dated: February 27, 2019

Respectfully submitted,

/s/ Henry C. Quillen

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[PROPOSED] ORDER

It is hereby ordered that the American Medical Association’s Motion for Leave to Participate as Amicus Curiae is granted, and the American Medical Association is allowed to file its Amicus brief by March 13, 2019.

Dated: _____

HON. RICHARD J. LEON
UNITED STATES DISTRICT JUDGE