

UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

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In the Matter of	)	FILE NO. 021 0006
	)	
GROSSMONT ANESTHESIA SERVICES	)	
MEDICAL GROUP, INC.,	)	
a corporation.	)	

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**AGREEMENT CONTAINING CONSENT**  
**ORDER TO CEASE AND DESIST**

The Federal Trade Commission (“Commission”), having initiated an investigation of certain acts and practices of Grossmont Anesthesia Services Medical Group, Inc., a corporation, hereinafter sometimes referred to as “Proposed Respondent,” and it now appearing that Proposed Respondent is willing to enter into an Agreement Containing Consent Order to Cease and Desist (“Consent Agreement”) from certain acts and practices, and providing for other relief,

**IT IS HEREBY AGREED** by and between Proposed Respondent and counsel for the Commission that:

1. Proposed Respondent Grossmont Anesthesia Services Medical Group, Inc. is a professional corporation organized, existing, and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 5101 Garfield Street, La Mesa, CA 91941.
2. Proposed Respondent admits all the jurisdictional facts set forth in the draft of Complaint here attached.
3. Proposed Respondent waives:
  - (a) any further procedural steps;
  - (b) the requirement that the Commission’s Decision and Order (“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 Order entered pursuant to this Consent Agreement; and
  - (d) any claim under the Equal Access to Justice Act.

4. 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 Respondent, in which event it will take such action as it may consider appropriate, or issue and serve its Complaint (in such form as the circumstances may require) and Order, in disposition of the proceeding.

5. This Consent Agreement is for settlement purposes only and does not constitute an admission by Proposed Respondent that the law has been violated as alleged in the draft of Complaint here attached, or that the facts as alleged in the draft Complaint, other than jurisdictional facts, are true.

6. This Consent Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Commission Rule 2.34, 16 C.F.R. § 2.34, the Commission may, without further notice to Proposed Respondent, (1) issue its Complaint corresponding in form and substance with the draft of Complaint here attached; (2) issue and serve its order to cease and desist in disposition of the proceeding; and (3) make information public with respect thereto. When so entered, the Order shall have the same force and effect, and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery of the Complaint and the Order to Proposed Respondent by any means specified in Commission Rule 4.4(a), 16 C.F.R. § 4.4(a), shall constitute service. Proposed Respondent waives any right it may have to any other manner of service. The Complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or the Consent Agreement may be used to vary or contradict the terms of the Order.

7. Proposed Respondent has read the draft of the Complaint and the Order contemplated hereby. By signing this Consent Agreement, Proposed Respondent represents that the full relief contemplated by this Consent Agreement can be accomplished. Proposed Respondent understands that once the Order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the Order. Proposed Respondent agrees to comply with Paragraph II of the draft Order from the date it signs this Consent Agreement. Proposed Respondent further

understands that it may be liable for civil penalties in the amount provided by law for each violation of the Order after the Order becomes final.

GROSSMONT ANESTHESIA SERVICES  
MEDICAL GROUP, INC.,  
a corporation.

By \_\_\_\_\_  
David Diehl, M.D.  
President

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

FEDERAL TRADE COMMISSION

By \_\_\_\_\_  
John Wiegand  
Kerry O'Brien  
Lisa D. Rosenthal  
Gwen Fanger

Attorneys

APPROVED:

\_\_\_\_\_  
Jeffrey A. Klurfeld  
Director  
Western Region  
Federal Trade Commission

\_\_\_\_\_  
D. Bruce Hoffman  
Associate Director for Regional Litigation  
Bureau of Competition  
Federal Trade Commission

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Joseph J. Simons  
Director  
Bureau of Competition  
Federal Trade Commission