

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

)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 08-322 (ESH)
)	
UNITEDHEALTH GROUP INC. and SIERRA)	
HEALTH SERVICES, INC.,)	
)	
Defendants.)	
)	

ORDER

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 public 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.

