

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

AMERICAN MEDICAL ASSOCIATION,  
the AMERICAN OSTEOPATHIC  
ASSOCIATION, and the MEDICAL SOCIETY  
FOR THE DISTRICT OF COLUMBIA,

Plaintiffs,

v.

FEDERAL TRADE COMMISSION,

Defendant.

**ECF**

Civil Action No. 10-843 (RBW)

**JOINT STIPULATION**

Subject to the approval of this Court, plaintiffs American Medical Association, American Osteopathic Association, and Medical Society for the District of Columbia (collectively, the “Medical Associations”), and defendant Federal Trade Commission (“FTC”), hereby stipulate and agree to the following:

- (i) The parties will hold this case in abeyance until the “Re-opening Date,” defined to be the date upon which the United States Court of Appeals for the District of Columbia Circuit issues its opinion in the action styled *American Bar Association v. FTC*, No. 10-5057.
- (ii) The FTC will delay enforcement of its Identity Theft Red Flags Rule, 16 C.F.R. § 681.1 (2010), with respect to physician members of the Medical Associations and the physician members of the State Medical Societies (as that term is defined in paragraph 10 of the Complaint filed in this action on May 21, 2010) engaged in the practice of medicine including, but not limited to, the practice of osteopathic medicine and osteopathy for ninety (90) days after the Re-opening Date.

- (iii) Nothing in this stipulation shall impair the parties' rights or obligations with respect to any future legislation enacted by Congress and signed into law by the President with respect to 15 U.S.C. §§ 1681 *et seq.* and 16 C.F.R. § 681.1, promulgated thereunder, including the reinstatement of enforcement by the FTC of the Identity Theft Red Flags Rule, 16 C.F.R. § 681.1, against physicians based on any such statutory amendments.
- (iv) This case shall be administratively closed pending the Re-opening Date. This case shall be re-opened immediately upon the Re-opening Date.
- (v) The filing of the FTC's Answer (currently due by July 20, 2010) will be deferred until 60 days after the Re-opening Date.



Dated: June 25, 2010

WILLARD K. TOM  
General Counsel

JOHN F. DALY  
Deputy General Counsel for Litigation


By: \_\_\_\_\_ /s/

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*Counsel for Defendant  
Federal Trade Commission*

**SO ORDERED BY THIS COURT**

Signed this 25 day of June, 2010

  
\_\_\_\_\_  
THE HONORABLE REGGIE B. WALTON  
UNITED STATES DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 25th day of June, 2010, a copy of the foregoing *Joint Stipulation* was filed electronically in this court. The parties may access this filing through the Court's electronic filing system, and notice of this filing will be sent to the following attorneys to be noticed by operation of the court's electronic filing system.

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Respectfully submitted,

/s/ Frank R. Volpe  
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