

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 51C2064
)	
NATIONAL ELECTRIC SIGN ASSOC.,)	Judge: St. Eve
MAURICE R. ELY,)	
JOHN K. LAMB,)	Filed: September 24, 2004
SIDNEY C. FRASER,)	
and HENRY K. LAMBKE,)	Entered: September 27, 2004
)	
Defendants.)	
)	

JOINT MOTION TO ENTER ORDER TERMINATING FINAL JUDGMENT

Plaintiff United States of America (“United States”) and Defendants the International Sign Association (“ISA”), the successor in interest to Defendant National Electric Sign Association, and John K. Lamb move this Court to enter an Order terminating the Final Judgment in the above-captioned matter, and in support of this motion, state as follows:

1. On June 23, 2004, the ISA and John K. Lamb moved to terminate the Final Judgment entered by this Court on April 5, 1954.
2. The United States tentatively agreed to the termination of the Final Judgment subject to the following conditions:
 - a. that ISA publish at its own expense a notice of the proposed termination, in the form attached as Exhibit A to the Stipulation filed with this Court

on June 30, 2004, in two consecutive issues of (1) The Washington Post and (2) Signs of the Times;

- b. that the United States publish in the Federal Register a notice, in the form attached as Exhibit C to the Stipulation filed with this Court on June 30, 2004, announcing the motion of ISA to terminate the Final Judgment and the United States' tentative consent to it and inviting the submission of comments;
 - c. that copies of all comments received by the United States within 60 days after the last publication of the notices described in paragraphs 2 (a) and (b) above, and the United States' responses thereto, be filed with the Court; and
 - d. that an Order terminating the Final Judgment may be entered by the Court upon the request of any party or by the Court *sua sponte* at any time after the United States has filed with the Court any comments that it receives and any responses thereto, provided that the United States has not withdrawn its tentative consent.
3. The Court entered an Order establishing notice and public comment procedures for the motion to terminate the Final Judgment on July 1, 2004.
 4. ISA published a notice of the proposed termination in The Washington Post on June 8 and 9, 2004, and in the July and August 2004 issues of Signs of the Times. The August 2004 issue of Signs of the Times was mailed to its subscribers on July 19, 2004. Copies of proofs of publication from The Washington Post and Signs

of the Times are attached as Exhibits A and B, respectively. The publication schedule of Signs of the Times is attached as Exhibit C.

5. On July 14, 2004, the United States published in the Federal Register a notice announcing the motion of ISA to terminate the Final Judgment and the United States' tentative consent to it, and inviting the submission of comments. A copy of the Federal Register notice is attached as Exhibit D.
6. The 60-day comment period commenced on July 19, 2004 and terminated on September 18, 2004.
7. The United States did not receive any comments within the 60-day comment period and thus did not file any comments or responses with the Court.
8. As of the date of this motion, all of the foregoing conditions have been fulfilled and termination of the Final Judgment under the procedures established by this Court is timely as of September 18, 2004.
9. The United States and the Defendants request that this Court enter the Order Terminating Final Judgment, a copy of which is attached hereto as Exhibit E.¹

Respectfully submitted,

¹ The proposed Order attached to this Joint Motion varies slightly from the Order attached as Exhibit D to the Memorandum of the United States filed on June 30, 2004. The Order attached as Exhibit D neglected to note John K. Lamb as a co-moving Defendant or to terminate his obligations under the Final Judgment. The Order attached hereto corrects this oversight. Further, because the United States received no comments during the 60-day comment period, the attached Order, unlike the Order filed on June 30, removes reference to the Court having considered all comments.

FOR PLAINTIFF
UNITED STATES OF AMERICA

_____/s/_____
Maribeth Petrizzi
DC Bar No. 435204
Chief, Litigation II Section

_____/s/_____
James J. Tierney
DC Bar No. 434610
Assistant Chief, Litigation II Section

_____/s/_____
Stacy R. Procter
CA Bar No. 221078
Attorney, Litigation II Section

U.S. Department of Justice
Antitrust Division
Litigation II Section
1401 H Street, N.W.
Washington, D.C. 20530
(202) 514-8666
Facsimile: (202) 307-6283

Dated: September 23, 2004

FOR DEFENDANTS
INTERNATIONAL SIGN ASSOCIATION
and JOHN K. LAMB

_____/s/_____
Michael R. Reid
Keeley, Kuenn & Reid
150 North Wacker Drive
Chicago, IL 60606
Tel. (312)-782-1829
Fax (312) 782-4868

_____/s/_____
Thomas E. Roche
Keeley, Kuenn & Reid
150 North Wacker Drive
Chicago, IL 60606
Tel. (312)-782-1829
Fax (312) 782-4868

_____/s/_____
Nancie G. Marzulla, Esquire
Marzulla & Marzulla
1350 Connecticut Ave., NW
Suite 410
Washington, D.C. 20036
(202) 822-6760

Dated: September 24, 2004