

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

UNITED STATES OF AMERICA)
Department of Justice, Antitrust Division,)
325 7th Street, N.W.; Suite 300)
Washington, DC 20530,)
)
Plaintiff,)
)
v.)
)
ECAST, INC.)
49 Geary Street, Mezzanine)
San Francisco, CA 94108)
)
and)
)
NSM MUSIC GROUP, LTD.)
3 Stadium Way)
Elland Road)
Leeds)
West Yorkshire)
United Kingdom)
LS11 OEW,)
)
Defendants.)

Civil No.: 1:05CV01754
Judge: Colleen Kollar-Kotelly
Filing Date: September 02, 2005

**UNITED STATES' MEMORANDUM REGARDING
PROCEDURES FOR ENTRY OF FINAL JUDGMENTS**

1. The United States submits this memorandum summarizing the procedures regarding the Court's entry of the proposed Final Judgment. This Final Judgment would settle this case pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16(b)-(h) ("the APPA"), which applies to civil antitrust cases brought and settled by the United States.

2. Today, the United States has filed a Complaint, a proposed Final Judgment, a Competitive Impact Statement, and a Stipulation between the parties by which they have agreed that the Court may enter the proposed Final Judgment following the United States' compliance

with the APPA.

3. Entry of the proposed Final Judgment may not occur until compliance with the requirements of the APPA. However, in the Stipulation, Defendants have agreed to abide by and comply with all terms and provisions of the proposed Final Judgment pending its entry.

4. The APPA requires that the United States publish the proposed Final Judgment and the Competitive Impact Statement in the *Federal Register* and in certain newspapers at least sixty days before the effective date of the Final Judgment. The notice will inform the public that they may review the Complaint, proposed Final Judgment, Competitive Impact Statement, and Stipulation filed in this matter, and submit comments about the proposed Final Judgment to the United States Department of Justice, Antitrust Division. 15 U.S.C. §§ 16(b)-(c).

5. During the sixty-day period, the United States will consider, and at the close of that period, respond to, any comments that it has received. The United States will then file with the Court and publish in the *Federal Register* the comments and the United States' responses thereto. 15 U.S.C. § 16(d).

6. After the sixty-day period expires, the United States may ask the Court to enter the proposed Final Judgment (unless the United States has decided to withdraw its consent to entry of the Final Judgment, as permitted by Stipulation). *See* 15 U.S.C. § 16(d).

7. If the United States requests that the Court enter the Final Judgment after compliance with the APPA, then the Court may enter the Judgment with or without a hearing, provided that it concludes that entry of the Final Judgment is in the public interest. 15 U.S.C. §§ 16(e)-(f).

Dated: September 2, 2005

