



Department of Justice

FOR IMMEDIATE RELEASE
FRIDAY, AUGUST 9, 1985

AT
202-633-2016

The Department of Justice, at the request of the Federal Trade Commission, today filed a civil suit charging Weeks Petroleum Ltd., Bell Resources Ltd., and one individual -- named M. R. H. Holmes a Court -- with violating the premerger notification provisions of the Hart-Scott-Rodino Act.

Weeks Petroleum, a Bermuda corporation with offices in New York City, is engaged in exploring, developing and owning oil and gas properties worldwide. Holmes a Court is chairman of the board of Bell Resources, a diversified company based in Melbourne, Australia, which owns 93.6 percent of the voting stock of Weeks Petroleum. His principal place of business is in Perth, Australia.

Charles F. Rule, Acting Assistant Attorney General in charge of the Antitrust Division, said the complaint was filed in U.S. District Court in New York City.

The Hart-Scott-Rodino Act of 1976, a statute that amends the Clayton Act, imposes notification and waiting period requirements on companies over a certain size that are contemplating mergers or acquisitions of stock or assets. Those requirements are intended to improve antitrust enforcement by assuring that the government receives prior notification and information concerning significant mergers and similar transactions.

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The act provides that any person or company that fails to comply with its requirements will be liable for a civil penalty of up to \$10,000 for each day the violation continues.

Rule said the complaint charges that Weeks Petroleum, acting under the authorization and direction of Bell Resources and Holmes a Court, began acquiring shares of Asarco Incorporated on September 27, 1984. Asarco, headquartered in New York City, is one of the world's major producers of copper.

By November 21, 1984, Weeks Petroleum had acquired Asarco stock worth in excess of \$15 million, and it continued to acquire stock between November 21, 1984 and February 28, 1985.

The complaint asserts that the Hart-Scott-Rodino Act required notification and a waiting period prior to the acquisition of more than \$15 million of Asarco stock, and alleges that the defendants did not comply with those requirements.

Weeks Petroleum filed a Hart-Scott-Rodino notification and report form on March 8, 1985, stating an intention to acquire more than 25 percent of Asarco's stock. The waiting period relating to that proposed acquisition expired on April 7, 1985.

The complaint alleges that the defendants were in violation of the act from November 21, 1984, through at least April 7, 1985. The complaint further alleges that the acquisition of Asarco stock was not made solely for the purpose of investment, and therefore did not qualify for the exemption for such acquisitions from the Hart-Scott-Rodino Act's requirements.

The complaint seeks the maximum civil penalty of \$10,000 per day for the period during which the defendants were alleged to be in violation of the statute and an injunction against each of the defendants to prevent further violations.

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