



Department of Justice

FOR IMMEDIATE RELEASE
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The Department of Justice today announced that it has filed, at the request of the Federal Trade Commission, a civil suit -- together with a proposed consent decree -- charging Roscoe Moss Corporation of Los Angeles and Roscoe Moss Jr. of Flintridge, California, with violating the premerger notification requirements of the Hart-Scott-Rodino Act.

The proposed consent decree, if approved by the court, would terminate the suit.

The complaint and proposed decree were filed in U.S. District Court in the District of Columbia.

The Act imposes notification and waiting period requirements on individuals and companies over a certain size that are contemplating mergers or acquisitions of stock or assets.

The Act is intended to improve antitrust enforcement by assuring that the government receives advance notice of significant mergers and similar transactions.

Moss is majority owner, chairman of the board, and chief executive officer of Roscoe Moss Corporation. The complaint charged Moss and the corporation with violating the Act in connection with their late 1984 through early 1986 acquisition of stock of San Jose Water Company, now known as SJW Corporation, of San Jose, California.

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Roscoe Moss Corporation is engaged in the manufacture of steel tubular products for use in water wells and transmission lines.

The complaint alleged that Roscoe Moss Corporation and Moss violated the Act and remained in violation from December 1, 1984, through March 26, 1986.

Moss filed a Hart-Scott-Rodino notification and report form on February 24, 1986, stating an intention to acquire more than 25 percent of SJW's stock. The waiting period relating to that acquisition expired on March 26, 1986. The violation period was not terminated by the filing because more than filing is required by the law, which also calls for a waiting period -- in this case, 30 days -- to allow time for antitrust authorities to investigate the merger.

Under the terms of the proposed consent decree, Roscoe Moss Corporation and Moss will agree to pay a civil penalty of \$500,000 to settle the case.

The suit is not related to three cases brought earlier this year by the Department of Justice, in which stock purchases forming the basis for the charges were made through a brokerage firm.

Charles F. Rule, Assistant Attorney General in charge of the Antitrust Division, said, "The Antitrust Division and the Federal Trade Commission share a strong commitment to ensure that merging

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companies comply with the Hart-Scott-Rodino notification requirements and we will continue to bring civil penalty actions against those who fail to comply with the Act."

Under the Act, any person or company that fails to comply with the Act's requirements is liable for a civil penalty of up to \$10,000 for each day the violation continues.

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