

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRH PLC,

CRH AMERICAS MATERIALS, INC.,

and

POUNDING MILL QUARRY CORPORATION,

Defendants.

**UNITED STATES' EXPLANATION OF CONSENT DECREE PROCEDURES**

The United States submits this short memorandum summarizing the procedures regarding the Court's entry of the proposed Final Judgment. This 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.

1. Today, the United States filed the Complaint in this matter. The United States also filed, attached to this Explanation of Consent Decree Procedures as Exhibit 1, a proposed Final Judgment and a Hold Separate Stipulation and Order between the parties by which they have agreed that the Court may enter the proposed Final Judgment after the United States has complied with the APPA. In addition, attached hereto as Exhibit 2, the United States has filed a report on the geology of the Rocky Gap Quarry site entitled "Rocky Gap Quarry, Rocky Gap, Virginia," dated March 13, 2017, authored by John Chermak, PhD ("Chermak Report"), a

determinative document as defined by 15 U.S.C. § 16(b).<sup>1</sup> Finally, the United States filed a Competitive Impact Statement relating to the proposed Final Judgment.

2. The Hold Separate Stipulation and Order is a document that has been agreed to by both plaintiff and defendants. Plaintiff and defendants ask that the Court sign this Order, which ensures that defendants preserve competition by complying with the provisions of the proposed Final Judgment during the pendency of the proceedings required by the Tunney Act. *See* 15 U.S.C. § 16(b)-(h).

3. The APPA requires that the United States publish the proposed Final Judgment and the Competitive Impact Statement in the *Federal Register* and cause to be published a summary of the terms of the proposed Final Judgment and the Competitive Impact Statement in certain newspapers at least sixty (60) days prior to entry of the proposed Final Judgment. Defendants in this matter have agreed to arrange and bear the costs for the newspaper notices. The notice will inform members of the public that they may submit comments about the proposed Final Judgment to the United States Department of Justice, Antitrust Division. *See* 15 U.S.C. § 16(b)-(c).

4. 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, and it will publish the comments and the United States' responses in the Federal Register.

5. After the expiration of the sixty-day period, the United States will file with the Court the comments and the United States' responses, and it may ask the Court to enter the

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<sup>1</sup> The United States redacted competitively sensitive information from the version of the Chermak Report attached as Exhibit 2.

proposed Final Judgment (unless the United States has decided to withdraw its consent to entry of the Final Judgment, as permitted by Paragraph IV(A) of the Hold Separate Stipulation and Order, *see* 15 U.S.C. § 16(d)).

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

Dated: June 22, 2018

Respectfully submitted,

FOR PLAINTIFF  
UNITED STATES OF AMERICA

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/s/  
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**CERTIFICATE OF SERVICE**

I, Christine Hill, hereby certify that on June 22, 2018, I caused a copy of the Complaint, Explanation of Consent Decree Procedures, Hold Separate Stipulation and Order, and proposed Final Judgment to be served on defendants CRH plc, CRH Americas Materials, Inc., and Pounding Mill Quarry Corporation by mailing the documents electronically to their duly authorized legal representatives as follows:

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