

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

UNITED STATES OF AMERICA

and

STATE OF MARYLAND,

*Plaintiffs,*

v.

MARTIN MARIETTA MATERIALS, INC.,

LG PANADERO, L.P.,

PANADERO CORP.,

PANADERO AGGREGATES HOLDINGS, LLC,

and

BLUEGRASS MATERIALS COMPANY, LLC,

*Defendants.*

CASE NO: 1:18-cv-00973-RDM

JUDGE: Randolph D. Moss

**CERTIFICATE OF COMPLIANCE WITH PROVISIONS OF THE ANTITRUST  
PROCEDURES AND PENALTIES ACT**

Plaintiff, United States of America, by the undersigned attorney, hereby certifies that, in compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16 (b)-(h) (“APPA”), the following procedures have been followed in preparation for the entry of the Final Judgment in this matter:

1. The Complaint, Competitive Impact Statement, proposed Final Judgment, and Hold Separate Stipulation and Order, by which the parties have agreed to the Court’s entry of the

Final Judgment following compliance with the APPA, were filed with the Court on April 25, 2018.

2. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and Competitive Impact Statement were published in the *Federal Register* on May 4, 2018. 83 Fed. Reg. 198,222 (May 4, 2018).

3. Pursuant to 15 U.S.C. § 16(b), copies of the proposed Final Judgment and Competitive Impact Statement were furnished to all persons requesting them and made available on the Department of Justice, Antitrust Division's internet site, as were the Complaint and Hold Separate Stipulation and Order.

4. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment was published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, for seven days beginning on May 1, 2018, and ending on May 7, 2018.

5. As noted in the Competitive Impact Statement, there were no determinative materials or documents within the meaning of 15 U.S.C. § 16(b) that were considered by the United States in formulating the proposed Final Judgment, so none was furnished to any person pursuant to 15 U.S.C. § 16(b) or listed pursuant to 15 U.S.C. § 16(c).

6. As required by 15 U.S.C. § 16(g), defendants LG Panadero, L.P., Panadero Corp., Panadero Aggregate Holdings, LLC and Bluegrass Materials Company, LLC on April 26, 2018, and defendant Martin Marietta Materials, Inc. on May 7, 2018 each filed with the Court a description of written or oral communications by or on behalf of the defendant, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment.

7. The sixty-day comment period prescribed by 15 U.S.C. § 16(b) and (d) for the receipt and consideration of written comments, during which the proposed Final Judgment could not be entered, ended on July 6, 2018. The United States did not receive any comments on the proposed Final Judgment.

8. The parties have satisfied all the requirements of the APPA that were conditions for entering the proposed Final Judgment. The Court may now enter the Final Judgment if the Court determines that, pursuant to 15 U.S.C. § 16(e), entry of the Final Judgment is in the public interest.

Dated: July 16, 2018

Respectfully submitted,

/s/  
KERRIE J. FREEBORN  
United States Department of Justice  
Antitrust Division  
Defense, Industrials, and Aerospace Section  
450 Fifth Street, N.W., Suite 8700  
Washington, D.C. 20530  
Tel: (202) 598-2300  
Fax: (202) 514-9033  
Email: kerrie.freeborn@usdoj.gov