

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

**UNITED STATES OF AMERICA, STATE
OF FLORIDA, STATE OF ILLINOIS,
STATE OF MINNESOTA,
COMMONWEALTH OF PENNSYLVANIA,
and STATE OF WISCONSIN,**

Plaintiffs,

v.

**WASTE MANAGEMENT, INC. and
ADVANCED DISPOSAL SERVICES, INC.,**

Defendants.

Civil Action No. 20-3063 (JDB)

ORDER

The United States and five States filed this action against Waste Management, Inc. (“WMI”) and Advanced Disposal Services, Inc. (“ADS”), alleging that WMI’s proposed acquisition of ADS would violate Section 7 of the Clayton Act, 15 U.S.C. § 18, by substantially lessening competition for small container commercial waste collection or municipal solid waste disposal in 57 local markets. See Compl. [ECF No. 1]. Plaintiffs filed with their Complaint an Asset Preservation Stipulation and Order, a proposed Final Judgment, and a Competitive Impact Statement. See Notice of Tunney Act Reqs. [ECF No. 2]; Proposed Asset Preservation Stip. & Order & Proposed Final J. [ECF No. 2-1]; Competitive Impact Statement [ECF No. 3]. The court executed the Asset Preservation Stipulation and Order. See Asset Preservation Stip. & Order [ECF No. 8]. Thereafter, as required by the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h) (the “Tunney Act”), the United States published and subjected the proposed Final Judgment to a 60-day public comment period, which expired on January 7, 2021. See United States’ Mot. & Mem. in Supp. of Entry of Final J. (“Gov’t’s Mot.”) [ECF No. 15] at 3. The public comment period elicited two responses. See Public Comments [ECF No. 14-1]. The United States responded to those comments and published both the comments and its response

in the Federal Register. See Response of Pl. United States to Public Comments on the Proposed Final J. [ECF No. 14].

The United States now asks the court to enter the agreed-upon Final Judgment, which would permit WMI and ADS to complete the proposed transaction subject to conditions intended to remedy the violations identified in the Complaint. Specifically, the Final Judgment requires defendants to divest 15 landfills, 37 transfer stations, 29 hauling locations, and over 200 waste and recycling collection routes, along with ancillary assets. See Gov't's Mot. at 3.

The court has carefully reviewed the Complaint, the United States' Motion and Memorandum in Support of Final Judgment, the proposed Final Judgment, the Competitive Impact Statement, the public comments submitted, and the United States' Response to Public Comments on the Proposed Final Judgment, all under the Tunney Act's "public interest" standard. See United States v. Microsoft Corp., 56 F.3d 1448, 1461 (D.C. Cir. 1995). It also has considered the United States' representations that the Final Judgment satisfies the "public interest" standard. After a review of the entire record, the court finds that the proposed Final Judgment "is in the public interest." 15 U.S.C. § 16(e)(1).

A signed Final Judgment accompanies this Order.

SO ORDERED.

/s/
JOHN D. BATES
Senior United States District Judge

Dated: May 3, 2021