

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

UNITED STATES OF AMERICA

and

STATE OF ALABAMA,

*Plaintiffs,*

v.

REPUBLIC SERVICES, INC.

and

SANTEK WASTE SERVICES, LLC

*Defendants.*

Civil Action No.: 1:21-cv-00883-RDM

**CONSENT MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure and Local Civil Rule 7(i), the United States respectfully requests that the Court grant Plaintiffs leave to file the Amended Complaint attached hereto to add the State of Tennessee as a plaintiff. A copy of the proposed Amended Complaint is attached hereto, as required by Local Civil Rule 15.1. The United States has met and conferred with the State of Alabama and Defendants, and all parties consent to this motion in writing.

Plaintiffs, the United States of America and the State of Alabama, filed their Complaint, an Asset Preservation Stipulation and Order, and other documents on March 31, 2021. Dkt. Nos. 1-2. On April 2, 2021, the United States filed a Competitive Impact Statement. Dkt. No. 7. On April 9, 2021, the Court signed and entered the Asset Preservation Stipulation and Order.

Dkt. No. 8. Since those papers were filed, the State of Tennessee has asked to join this matter as a plaintiff.

Under Rule 15(a)(2) of the Federal Rules of Civil Procedure, a party may amend its pleading if the opposing party consents to the amendment in writing. Fed. R. Civ. P. 15(a)(2); *see also Parker v. John Moriarty & Assoc.*, 320 F.R.D. 95, 97 (D.D.C. 2017) (Under Rule 15(a)(2), leave to amend “should be freely given unless there is a good reason to the contrary.”) (citing *Willoughby v. Potomac Elec. Power Co.*, 100 F.3d 999, 1003 (D.C. Cir. 1996)). Courts in this district routinely grant motions to amend complaints when defendants consent to such amendments. *See, e.g.*, Minute Order, *United States v. Deutsche Telekom AG*, No. 19-02232 (November 8, 2019) (granting consent motion to amend complaint); Minute Order, *Boykin v. United States*, No. 17-2569 (May 25, 2018) (same).

The only difference between the original Complaint and the Amended Complaint is that the State of Tennessee has joined as a plaintiff. This amendment does not change the status of this matter. Through the Stipulation attached as Exhibit 1, the State of Tennessee has agreed to the terms of the proposed Final Judgment previously filed in this matter. Dkt. No. 2-2. Because the proposed Final Judgment is unchanged, no additional notice-and-comment period is required under the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h). Therefore, the United States respectfully requests that the Court grant Plaintiffs leave to file the Amended Complaint attached hereto at Exhibit 2. A proposed order granting this motion is attached hereto at Exhibit 3.

Dated: June 9, 2021

Respectfully submitted,

FOR PLAINTIFF  
UNITED STATES OF AMERICA:

    /s/ Gabriella R. Moskowitz  
GABRIELLA R. MOSKOWITZ  
(D.C. Bar #1044309)  
Defense, Industrials, and Aerospace Section  
Antitrust Division  
U.S. Department of Justice  
450 Fifth Street N.W., Suite 8700  
Washington, DC 20530  
Telephone: (202) 598-8885  
[gabriella.moskowitz@usdoj.gov](mailto:gabriella.moskowitz@usdoj.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on June 9, 2021 I caused a copy of the foregoing Consent Motion for Leave to File Amended Complaint, along with the Amended Complaint, Stipulation and Proposed Order attached thereto, to be served via the Court's CM/ECF system on all counsel who have appeared in this matter and by electronic mail on:

**Counsel for Plaintiff State of Tennessee**

HERBERT H. SLATERY III, B.P.R. No. 9077  
Attorney General and Reporter

TATE BALL, B.P.R. No. 037841  
Assistant Attorney General  
Office of the Attorney General  
Consumer Protection and Advocate Division  
UBS Building, 20th Floor  
315 Deaderick Street  
Nashville, Tennessee 37243  
Phone: (615) 741-8091  
Fax: (615) 532-2910  
tate.ball@ag.tn.gov

/s/ Gabriella R. Moskowitz  
GABRIELLA R. MOSKOWITZ  
(D.C. Bar #1044309)  
Antitrust Division  
U.S. Department of Justice  
Defense, Industrials, and Aerospace  
Section  
450 Fifth St. N.W., Suite 8700  
Washington, D.C. 20530  
gabriella.moskowitz@usdoj.gov