IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, Plaintiff, v. ALLIED WASTE INDUSTRIES, INC., Defendant.	Supplemental to Civil Action No. 1:99 CV 01962 Date: May__, 2007 Civil Part I Judge

PETITION BY THE UNITED STATES FOR AN ORDER TO SHOW CAUSE WHY DEFENDANT ALLIED WASTE INDUSTRIES, INC. SHOULD NOT BE FOUND IN CIVIL CONTEMPT

The United States of America, by its attorneys, acting under the direction of the Attorney General of the United States, presents this Petition for an Order requiring Defendant Allied Waste Industries, Inc. to show cause why it should not be found in civil contempt of the Modified Final Judgment entered by this Court on July 20, 2000, in United States v. Allied Waste Industries Inc. and Browning-Ferris Industries, Inc., No. 1:99 CV -1962 (D.D.C. 2000) ("Modified Final Judgment"). A copy of the Modified Final Judgment is appended to this petition as Exhibit 1. The United States represents as follows:

I.

THE DEFENDANT

1. Defendant Allied Waste Industries, Inc. ("Allied") is one of the named defendants in the Modified Final Judgment. Allied is incorporated in Delaware, and its principal place of business is at 15880 North Greenway-Hayden Loop, Scottsdale, Arizona 85260.

II.

JURISDICTION OF THE COURT

2. This Petition alleges violations of the Modified Final Judgment by Allied. This Court has jurisdiction under its inherent powers to enforce orders and under Section XIII of the Modified Final Judgment, which provides in relevant part:

> Jurisdiction is retained by this Court for the purpose of enabling any of the parties signatory to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the enforcement or compliance therewith, and for the punishment of violations hereof.

III.

BACKGROUND

3. On May 19, 2000, the United States filed a civil antitrust Complaint under Section 7 of the Clayton Act, 15 U.S.C. § 18, to block the merger of Allied and Browning-Ferris Industries, Inc. ("BFI"), alleging that the transaction would substantially lessen competition in several waste collection and disposal markets, including the waste collection market in the Chicago, Illinois area. Concurrently, and with Allied's consent, the United States filed a proposed Final Judgment designed to preserve competition.

IV.

CONDUCT PROHIBITED BY THE FINAL JUDGMENT

4. Section VII(A) of the Modified Final Judgment states that "[w]ithout prior written approval of the United States," Allied "shall not acquire, directly or indirectly, any interest in any

business, assets, capital stock, or voting securities of any person" when that person was "engaged in waste disposal or collection of small container waste in any area listed in Section VII(B)," and realized "revenues from waste disposal or collection of small container waste in the area . . . in excess of $1,000,000 in the 12 month period immediately preceding the proposed acquisition."

5. The relevant areas listed in Section VII(B) include Chicago, Illinois, which is described as encompassing Will, Kane, Cook, DuPage, Lake and McHenry counties.

V.

VIOLATIONS OF THE FINAL JUDGMENT

6. Allied acquired a set of collection assets, located in the Chicago, Illinois area, in January, 2004, from Homewood Disposal Services, Inc. ("Homewood"), in exchange for $336,000.

7. Homewood is a company engaged in small container waste collection service in the Chicago, Illinois area.

8. Homewood realized revenue of more than $1 million from waste collection in the Chicago, Illinois area during the twelve months preceding January 2004.

9. Allied neither requested nor received prior written approval from the United States before acquiring the Homewood assets.

10. Since acquiring the Homewood assets in January 2004, without the receipt of prior written approval from the United States, Allied has been in civil contempt for violating Section VII(A) of the Modified Final Judgment.

VI.

PRAYER

WHEREFORE, for the foregoing reasons, the United States respectfully requests that this Court enter an Order directing Defendant Allied to appear before this Court at a time and place to be fixed in said Order, to show cause why it should not be adjudged in civil contempt of this Court, and prays for the following relief:

(1) that Defendant Allied be found in civil contempt for the violations of the Modified Final Judgment described above;

(2) that Defendant Allied be ordered to pay an amount deemed appropriate by the Court for contempt of the Modified Final Judgment;

(3) that the United States be awarded costs and attorneys fees incurred in investigating Allied's conduct and filing this Petition to Show Cause; and

(4) that the United States have any and all other relief as the Court may deem justified.

Dated: May __, 2007

Respectfully submitted,

FOR PLAINTIFF
UNITED STATES OF AMERICA

THOMAS O. BARNETT, D.C. Bar # 426840
Assistant Attorney General

DAVID L. MEYER, D. C. Bar 414420
Deputy Assistant Attorney General

J. ROBERT KRAMER II
Director of Operations and Civil Enforcement

MARIBETH PETRIZZI, D.C. Bar # 435204
Chief, Litigation II Section

STEPHANIE A. FLEMING
JAMES K. FOSTER
U.S. Department of Justice
Antitrust Division
1401 H Street, N.W., Suite 3000
Washington, DC 20530
Telephone: (202) 514-9228
Facsimile: (202) 514-9033