

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 1:99 CV 01962
)	
v.)	
)	JUDGE: Ricardo M. Urbina
ALLIED WASTE INDUSTRIES, INC., and)	
BROWNING-FERRIS INDUSTRIES, INC.,)	DECK TYPE: Antitrust
)	
Defendants.)	

JOINT MOTION OF UNITED STATES, ALLIED WASTE INDUSTRIES, INC., AND
BROWNING-FERRIS INDUSTRIES, INC. FOR ENTRY OF A MODIFIED FINAL
JUDGMENT FILED IN THE ABOVE-ENTITLED CASE ON JULY 20, 1999

The United States, Allied Waste Industries, Inc. (“Allied”), and Browning-Ferris Industries, Inc. (which has been acquired by Allied and is included under “Allied” in this Joint Motion) jointly move for entry of a modified version of the proposed Final Judgment which was filed on July 20, 1999 in the above-entitled case but has not yet been entered. This motion is made pursuant to Section XIII of the proposed Final Judgment which provides in part that “any of the parties to this Final Judgment [can] apply to this Court at any time . . . for the modification of any of the provisions hereof”

Section II. D. (4) of the proposed Final Judgment requires that the defendants divest BFI’s former commercial hauling routes serving the City of Chicago and Cook, DuPage, Will, Kane, McHenry and Lake counties in Illinois. As written, these routes would include some commercial routes in the greater metropolitan Chicago area which are covered by municipal franchise

contracts. The parties now move to modify this requirement to permit defendants to retain these municipal franchise contracts initially required to be divested and divest instead certain residential and rolloff waste hauling business in the greater metropolitan Chicago market. The modification to the originally proposed Final Judgment is reflected in the Modified Final Judgment on p. 9 at Section II.D.(4) under the heading “Chicago, IL” with the addition of the following language: “provided, however, defendants may substitute, for franchised commercial routes, BFI’s residential routes that serve the cities of Northbrook, Wilmette and Winnetka, IL; Allied’s residential routes that serve the cities of Deerfield and Golf, IL; and BFI’s rolloff routes that serve Cook and DuPage counties, IL.”

The parties make this joint motion on the following grounds:

(a) The United States has received numerous comments from interested parties, including franchisors of the municipal franchises initially required to be divested, objecting to divestiture of the municipal franchise contracts;

(b) The United States has concluded that substituting the residential and rolloff hauling assets for the municipal franchise assets contained in Section II. D. (4) does not substantially alter the relief contained in the proposed Final Judgment; and

(c) The United States has filed a Certificate of Compliance, certifying that it has fulfilled its statutory obligations under the Antitrust Procedures and Penalties Act (15 U.S.C. Sections 16(b)-(h)) to provide notice, opportunity for public comment, and government response on the proposed settlement of this antitrust suit against Allied Waste Industries, Inc. and Browning-Ferris Industries, Inc.

For the reasons set forth in the accompanying memorandum in support of the

parties' Joint Motion, plaintiff and defendants propose that the Court enter a modified version of the Final Judgment, which would permit defendant Allied to retain the municipal franchise contracts initially required to be divested and permit Allied to divest instead specified residential and rolloff waste hauling business in the greater metropolitan Chicago market.

Dated: *5/11/00*

Respectfully submitted,

FOR PLAINTIFF
UNITED STATES OF AMERICA

_____/s/
Arthur A. Feiveson
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FOR DEFENDANTS
ALLIED WASTE INDUSTRIES INC.
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_____/s/
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