

FILED

JAN - 8 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CEMEX, S.A.B. de C.V. and
RINKER GROUP LIMITED,

Defendants.

CASE NO.: 1:07-cv-00640

JUDGE: Hon. Royce C. Lamberth

DECK TYPE: Antitrust

DATE STAMPED:

**ORDER TO ESTABLISH NOTICE AND COMMENT PROCEDURES
FOR THE MODIFICATION OF THE MODIFIED FINAL JUDGMENT**

Plaintiff, the United States of America, and defendant, Cemex, S.A.B. de C.V. ("Cemex"), having filed a joint motion requesting that the Court establish notice and comment procedures and modify the Modified Final Judgment entered in this matter on November 28, 2007, and plaintiff United States having tentatively consented to the motion if certain conditions are met, and plaintiff United States having proposed, and defendant having agreed, that notice of the motion and plaintiff United States' tentative consent to it be published in the appropriate newspapers and trade press at the expense of defendant, that plaintiff United States publish a notice in the Federal Register, and that all interested persons be given an opportunity to submit comments concerning the proposed modification of the Modified Final Judgment within 30 days of publication of the notices, and it appearing to the Court desirable to invite such comments, and in consideration of the Joint Motion to Establish Notice and Comment Procedures and to Modify

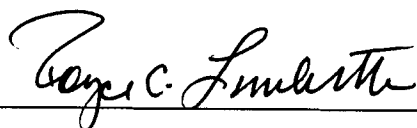
the Modified Final Judgment, it is:

ORDERED that Cemex shall publish at its own expense a notice of the proposed modification in two consecutive issues of (a) The Washington Post and (b) The Orlando Sentinel and file proof of such with the Court:

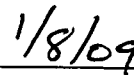
FURTHER ORDERED that the United States will publish in the Federal Register a notice, in the form attached hereto as Exhibit 2, announcing the Joint Motion to Establish Procedures and to Modify the Modified Final Judgment and the United States's tentative consent to the modification, summarizing the proposed Second Modified Final Judgment, and inviting the submission of comments; and

FURTHER ORDERED that copies of all comments received by plaintiff United States within 30 days after the last publication of the notices shall be filed with this Court by plaintiff United States within a reasonable time after it receives such comments.

This Court will not rule upon the joint motion until plaintiff United States has filed such comments and its responses to those comments or plaintiff United States notifies the Court that no comments were received and the plaintiff United States moves that the Proposed Second Modified Final Judgment should be entered by the Court, provided that plaintiff United States has not withdrawn its tentative consent.



Chief Judge Royce C. Lamberth



Date