

**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:

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**NOTICE OF SELECTION OF ALTERNATIVE ASSETS FOR DIVESTITURE**

Plaintiff, the United States of America, by its attorneys, respectfully notifies the Court that, as provided in Paragraph IV(H) of the Final Judgment, it has selected alternative assets owned by Cemex, S.A.B. de C.V. ("Cemex") to replace assets Cemex will be unable to divest within the divestiture time period specified in the Final Judgment.

To protect against a variety of situations in which a Divestiture Asset owned by Rinker Group Limited ("Rinker") prior to the acquisition by Cemex could not be divested, and to ensure that each acquirer has sufficient assets to be able to compete for the projects for which Cemex and Rinker competed, the United States and Cemex included Paragraph IV(H) in the Final Judgment. Paragraph IV(H) provides that, if for any reason Cemex is unable to divest any of the Divestiture Assets within the divestiture period established in Paragraph IV(A) of the Final Judgment, the United States, in its sole discretion, may select one or more alternative assets owned by Cemex that are located in the same geographic area to be divested in lieu of the affected Divestiture Asset.

Pursuant to Paragraph IV(H), the United States has concluded that Cemex will be unable

to divest Rinker's Ave Maria ready mix plant located at 4811 Ave Maria Boulevard, Immokalee, Florida, and has selected Cemex's Immokalee ready mix plant located at 1111 East Main Street, Collier County, Florida to be divested in its stead. Likewise, the United States has concluded that Cemex will be unable to divest Rinker's Palmetto concrete block plant, located at 900 9<sup>th</sup> Street West, Palmetto, Florida, and has selected Cemex's Bradenton concrete block plant located at 1709 9<sup>th</sup> Street East, Bradenton, Florida 34208, for divestiture in lieu of the Palmetto plant.

Dated: September 19, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'F. Parmenter', is written over a horizontal line.

Frederick H. Parmenter

VA Bar No. 18184

Attorney

United States Department of Justice

Antitrust Division

Litigation II Section

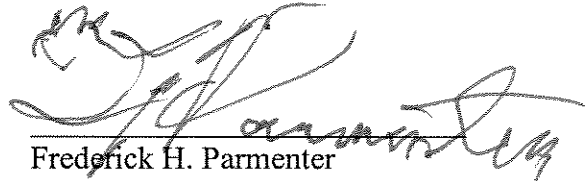
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(202) 307-0620

**CERTIFICATE OF SERVICE**

I, Frederick H. Parmenter, hereby certify that on September 10, 2007, I caused a copy of the foregoing Notice of Selection of Alternative Assets for Divestiture to be served on defendants CEMEX, S.A.B. de C.V. and RINKER GROUP LIMITED by mailing the document electronically to the duly authorized legal representatives of each defendant.

  
Frederick H. Parmenter

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