

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,
Plaintiff,

v.

FIAT S.p.A., FIAT ACQUISITION
CORPORATION, NEW HOLLAND N.V., NEW
HOLLAND NORTH AMERICA, INC., and CASE
CORPORATION,
Defendants.

CASE NUMBER 1: 99CV0297

JUDGE: James Robertson

DECK TYPE: Antitrust

DATE STAMP: 11/04/1999

**UNITED STATES' EXPLANATION
OF CONSENT DECREE PROCEDURES**

The United States submits this short memorandum summarizing the procedures regarding the Court's entry of the proposed Final Judgment. This Judgment would settle this case pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16(b)-(h) ("APPA"), which applies to civil antitrust cases brought and settled by the United States.

1. Today, the United States has filed a proposed Final Judgment and a Hold Separate Stipulation and Order between the parties by which they have agreed that the Court may enter the proposed Final Judgment following the United States's compliance with the APPA.

2. The United States will within 10 days file a Competitive Impact Statement relating to the proposed Judgment [15 U.S.C. § 16(b)].

3. The APPA requires that the United States publish the proposed Final Judgment and the Competitive Impact Statement in the Federal Register and in certain newspapers at least sixty (60) days prior to entry of the Final Judgment. The notice will inform members of the public that they may submit comments about the Final Judgment to the United States Department of Justice, Antitrust Division [15 U.S.C. §§ 16(b)-(c)].

4. During the sixty-day period, the United States will consider, and at the close of that period, respond to any comments that it has received, and it will publish the comments and the United States's responses in the Federal Register.

5. After the expiration of the sixty-day period, the United States will file with the Court the comments, if any and the United States's responses, and it may ask the Court to enter the Final Judgment (unless the United States has decided to withdraw its consent to entry of the Judgment, as permitted by Section IV(A) of the Hold Separate Stipulation and Order) [*see* 15 U.S.C. § 16(d)].

6. If the United States requests that the Court enter the Final Judgment after compliance with the APPA, 15 U.S.C. §§ 16(e)-(f), the Court may enter the Judgment without a hearing, if it finds that the Final Judgment is in the public interest.

Dated: November 4th, 1999.

Respectfully submitted,

_____/s/_____

Joan Farragher
Trial Attorney
U.S. Department of Justice
Antitrust Division

1401 H Street, NW, Suite 3000
Washington, D.C. 20530
(202) 307-6355