

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

)	
UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Civil No: 99 1018 GK
)	
)	
IMETAL,)	
DBK MINERALS, INC.,)	
ENGLISH CHINA CLAYS, PLC, and)	
ENGLISH CHINA CLAYS, INC.,)	
Defendants.)	
)	

**UNITED STATES' CERTIFICATE OF COMPLIANCE WITH
PROVISIONS OF THE ANTITRUST PROCEDURES AND PENALTIES ACT**

The United States of America hereby certifies that it has complied with the provisions of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. §§ 16(b)-(d), and states:

1. The Complaint in this case, the proposed Final Judgment, and the Hold Separate Stipulation and Order ("Stipulation") were filed on April 26, 1999. The United States' Competitive Impact Statement was filed on May 24, 1999.

2. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment, Stipulation, and Competitive Impact Statement were published in the *Federal Register* on June 11, 1999 (64 Fed. Reg. 31624-38). See Attachment A.

3. Pursuant to 15 U.S.C. § 16(d), the United States furnished copies of the Complaint, Stipulation, proposed Final Judgment and Competitive Impact Statement to anyone requesting them.

4. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment and the Competitive Impact Statement were published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, during the period May 27, 1999 through June 2, 1999. See Attachment B.

5. The 60-day comment period specified in 15 U.S.C. § 16(b) ended on August 10, 1999. The United States received a single written comment on the proposed settlement, from The Paper, Allied-Industrial, Chemical and Energy Workers International Union (“PACE”). The United States has evaluated and responded to that comment. A copy of the comment, and the United States’ response, was filed with the Court on January 14, 2000.

6. Also January 14, 2000, the defendants filed with the Court a joint statement describing their communications with employees of the United States Department of Justice concerning the proposed Judgment, as required by 15 U.S.C. § 16(g).

7. Pursuant to 15 U.S.C. § 16(d), a copy of the comment and the United States’ response to the comment were published in the *Federal Register* on February 7, 2000 (65 Fed Reg. 5891-94). See Attachment C.

8. Pursuant to the Stipulation filed on April 26, 1999, and 15 U.S.C. § 16(e), the Court may enter the Final Judgment after it determines that the Judgment serves the public interest.

9. The Competitive Impact Statement filed on May 24, 1999 demonstrates that the proposed Final Judgment satisfies the public interest standard of 15 U.S.C. § 16(e).

10. The United States requests that this Court enter the Final Judgment, and is authorized by counsel for defendants to state that defendants join in this request.

Dated: February 17, 2000

Respectfully submitted,

/s/

Patricia G. Chick
D.C. Bar # 266403
U.S. Department of Justice
Antitrust Division
1401 H Street, N.W. Suite 3000
Washington, D.C. 20530
Telephone: (202) 307-0946
Facsimile: (202) 514-9033
Attorney for Plaintiff the United States