UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. LUDOWICI-CELADON COMPANY, JAMES M. WILLIAMS, R. E. STURTEVANT, A.N. SORENSON, HORACE WHITE, J.W. STEPHENS, ARTHUR W. APPLEWHITE and GEORGE J. LAWLER, d/b/a APPLEWHITE & LAWLER COMPANY, GEORGE T. STAFFORD, F.W. HOLCOMB, A.B. BYRNES, A.B. SANDOZ, GEORGE S. MEARS, R.T. COLE, H.F. BEYER, ALFRED LO CASCIO, and B.A. CAMPBELL, Defendants.	Civil Action No. 05-C-6134 Judge: Milton J. Shadur Filed: March 28, 2006

JOINT MOTION TO ENTER ORDER TERMINATING FINAL DECREE

Plaintiff United States of America ("United States") and defendant Ludowici Roof Tile, Inc. ("Ludowici"), successor in interest to defendant Ludowici-Celadon Company ("Ludowici-Celadon"), move this Court to enter an Order terminating the Final Decree ("Decree") in the above-captioned matter, and in support of this motion, state as follows:

1. On October 21, 2005, Ludowici moved to terminate the Decree entered by this Court on March 18, 1929.

2. The United States tentatively agreed to the termination of the Decree subject to the following conditions:

a. that Ludowici publish at its own expense a notice of its motion to terminate the Decree, in the form attached as Exhibit A to the Stipulation filed with this Court on October 21, 2005, in two consecutive issues of: (1) the Chicago Tribune; and (2) Professional Roofing;

b. that the United States publish in the Federal Register a notice, in the form attached as Exhibit C to the Stipulation filed with this Court on October 21, 2005, announcing Ludowici's motion to terminate the Decree and the United States' tentative consent to that motion;

c. that the published notices described in paragraphs 2(a) and (b), above, provide a period for public comment during the sixty days following the publication of the last notice;

d. that within a reasonable time after the conclusion of the sixty-day period following publication of the last notice discussed in paragraphs 2(a) and (b) above, the United States file with the Court copies of any comments that it receives and its response to those comments;

e. that the parties request that the Court not rule upon Ludowici's motion to terminate the Decree until the United States has filed with the Court copies of any comments it receives along with its response to those comments; and

f. that the United States reserved the right to withdraw its consent to Ludowici's motion to terminate the Decree at any time prior to entry of an order terminating the Decree.

3. Ludowici published the notice described in paragraph 2(a), above, in the Chicago Tribune on November 3 and 7, 2005, and in the October and November 2005 issues of Professional Roofing. The October 2005 issue of Professional Roofing was mailed to its subscribers on October 1, 2005. The November 2005 issue of Professional Roofing was mailed to its subscribers on November 1, 2005. Copies of the proofs of publication and the publications from the Chicago Tribune and Professional Roofing are attached hereto as Exhibits A and B, respectively.

4. On November 16, 2005, the United States published in the Federal Register a notice announcing Ludowici's motion to terminate the Decree and the United States' tentative consent to that motion. A copy of the Federal Register notice is attached hereto as Exhibit C.

5. The notices in the Federal Register, the Chicago Tribune, and Professional Roofing invited the submission of public comments to the United States Department of Justice, Antitrust Division, within 60 days of the publication of the notice.

6. The 60-day public comment period terminated on January 17, 2006.

7. The United States received 98 comments relating to Ludowici's motion to terminate the Decree. The United States has carefully considered the statements made in the comments, and for the reasons articulated in its response to the comments, the United States remains convinced that termination of the Decree is in the public interest. The United States' response to the comments is attached hereto as Exhibit D. Copies of the comments are attached to the United States' response as Attachment 1.

8. As of the date of this motion, all of the conditions set forth in paragraph 2 above have been fulfilled and the United States consents to termination of the Decree.

WHEREFORE, The United States and Ludowici request that this Court enter the Order Terminating Final Decree, a copy of which is attached hereto as Exhibit E.

Respectfully submitted,

FOR PLAINTIFF
UNITED STATES OF AMERICA

_____/s/_____
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Dated: March 27, 2006

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Dated: March 24, 2006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Motion to Enter Order Terminating Final Decree has been served upon counsel identified below via Federal Express on this 27th day of March 2006:

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