

DATE FILE 9/9/96

In Re: PETITION OF
MACCAFERRI GABIONS, INC.

Civ. No. MJG95-1270

MOTION FOR ENTRY OF FINAL ORDER

The United States Department of Justice ("Department"), having filed this date a Stipulation, hereby moves this Court for entry of the attached proposed Final Order that has been agreed to by the Department and Maccaferri Gabions, Inc. ("Maccaferri"). By agreement of the parties the Proposed Order provides that Maccaferri pay to the Clerk of the Court \$5,000.

On March 9, 1995, the Department issued to Maccaferri Civil Investigative Demand 12316 ("the CID") pursuant to the Antitrust Civil Process Act, 15 U.S.C. § 1312. On April 28, 1995, Maccaferri filed a Petition to Modify or Set Aside the CID. On February 23, 1996, this Court entered a Final Order requiring, inter alia, Maccaferri to comply with the CID as modified by this Court ("Final Order").

On April 16, 1996, this Court issued an Order ("Contempt Order") holding Maccaferri in civil contempt for failure to produce information and documents responsive to the CID as required by this Court's Final Order. Beginning on April 16 and continuing through May 31, 1996, Maccaferri produced to the United States information and documents responsive to the CID.

On June 20, 1996, the United States filed a Motion to Enforce this Court’s Order Holding Maccaferri in Civil Contempt. On July 3, 1996, Maccaferri filed its Reply to the United States’ Motion and on July 5, 1996, Maccaferri filed a Motion for Attorneys Fees and Costs.

On August 7, 1996, the Department informed Maccaferri that it had completed its review of the evidence collected during its investigation of the gabion and gabion fastening industries, including information supplied by Maccaferri in response to the CID. The Department further informed Maccaferri that based on the evidence gathered, as well as recent market developments, that it did not intend to file a complaint at this time, and expected that the investigation would soon be formally closed.

On September 3, 1996, the United States and Maccaferri entered a Stipulation which, if accepted by the Court, will resolve all outstanding matters related to this civil action. Accordingly, the Department respectfully moves this Court for entry of the proposed Final Order.

Respectfully Submitted,

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