

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

THE MANITOWOC COMPANY, INC.,  
ENODIS PLC, and  
ENODIS CORPORATION,

*Defendants.*

CASE NO.: 1:2008CV01704

JUDGE: Hon. Henry H. Kennedy

DECK TYPE: Antitrust

DATE STAMP:

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

Plaintiff, United States of America, by the undersigned attorney, hereby certifies that, in compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), the following procedures have been followed in preparation for the entry of final judgment in the above-captioned matter herein:

1. Plaintiff and defendants have stipulated to the entry of the proposed Final Judgment in a Hold Separate Stipulation and Order (“Hold Separate Order”) filed with the Court on October 6, 2008.
2. The proposed Final Judgment was filed with the Court on October 6, 2008.
3. The Competitive Impact Statement was filed with the Court on October 6, 2008.
4. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and Competitive Impact Statement were published in the *Federal Register* on October 16, 2008. *See United States v. The Manitowoc Company, Inc. et al*, 73 Fed. Reg. 61498, 2008 WL 4580180 (Oct. 16, 2008).
5. Pursuant to 15 U.S.C. § 16(b), copies of the proposed Final Judgment and

Competitive Impact Statement were furnished to all persons requesting them and made available on the Antitrust Division's Internet site, as were the Complaint and Hold Separate Order.

6. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment and Competitive Impact Statement were published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, for seven days beginning on November 1, 2008, and ending on November 7, 2008.

7. As noted in the Competitive Impact Statement, there were no determinative materials or documents within the meaning of 15 U.S.C. § 16(b) that were considered by the United States in formulating the proposed Final Judgment, so none were furnished to any person pursuant to 15 U.S.C. § 16(b) or listed pursuant to 15 U.S.C. § 16(c).

8. As required by 15 U.S.C. § 16(g), defendant The Manitowoc Company, Inc., on October 23, 2008, and defendants Enodis plc and Enodis Corporation, on October 24, 2008, filed with the Court descriptions of written or oral communications by or on their behalf with any officer or employee of the United States concerning or relevant to the proposed Final Judgment.

9. The sixty-day comment period for the receipt and consideration of written comments specified in 15 U.S.C. §§ 16(b)–(d) commenced on November 7, 2008, and terminated on January 6, 2009. During that period, the United States did not receive any comments on the proposed Final Judgment.

10. The parties have satisfied all the requirements of the Antitrust Procedures and

Penalties Act, 15 U.S.C. § 16(b)–(h), that were conditions for entering the proposed Final Judgment. The Court may now enter the Final Judgment if the Court determines pursuant to 15 U.S.C. § 16(e) that entry of the Final Judgment is in the public interest.

Dated: January 21, 2009

Respectfully submitted,

\_\_\_\_\_  
/s/

Helena M. Gardner  
United States Department of Justice  
Antitrust Division  
Litigation II Section  
1401 H Street, N.W., Suite 3000  
Washington, DC 20530  
(202) 514-8518

**CERTIFICATE OF SERVICE**

I, Helena Gardner, hereby certify that on January 21, 2009, I caused a copy of the foregoing Certificate of Compliance with the Antitrust Procedures and Penalties Act to be served upon defendants The Manitowoc Company, Inc., Enodis plc, and Enodis Corporation by mailing the document electronically to the duly authorized legal representatives of defendants as follows:

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