

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

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:12-CV-01598
)	
STANDARD PARKING CORPORATION,)	JUDGE: Leon, Richard J.
KCPC HOLDINGS, INC., and)	
CENTRAL PARKING CORPORATION,)	FILED:
)	
Defendants.)	
_____)	

**UNITED STATES’ RESPONSE TO DEFENDANTS’
MOTION FOR AN EXTENSION OF TIME TO COMPLETE
THE FINAL DIVESTITURE REQUIRED BY THE FINAL JUDGMENT**

Plaintiff, United States of America, hereby responds to the Defendants’ Motion requesting a 30-day extension of time until May 8, 2013 to complete the divestiture of the last remaining Parking Facility required to be divested under the Final Judgment in this matter. As Defendants have also indicated in their separate notice of consent filed with the Court, the United States has no objection to this extension of time being granted by the Court, in view of the unusual circumstances involved in this last divestiture.

In consenting to this limited extension, the United States has taken into account the successful completion of all of the other 106 divestitures of Parking Facilities by Defendants as well as the apparent good faith in which Defendants have sought to complete this divestiture. At the same time, the United States emphasizes the need to bring this divestiture process to a

conclusion within a definite time in the near future, so as to avoid any harm to competition, and accomplish the purposes of the Final Judgment.

Defendants have informed the United States that apart from Columbus C5,¹ all of the other divestitures required in this matter are now complete. The United States has granted three previous 30-day extensions of time under Paragraph IV.D of the Final Judgment, following the entry and filing of the Final Judgment by this Court on January 3, 2013, to enable the divestiture of Columbus C5 to be completed.² Defendants entered into a definitive divestiture agreement with a new parking management company, Allpro Parking Ohio, LLC, to assign all of their rights under the lease for Columbus C5, and presented this agreement to the United States for review on February 15, 2013. The United States advised the Defendants that it had no objection to this divestiture on February 21, and expected that the divestiture would then be completed by assignment.³ According to the Defendants, it has not been possible to accomplish this divestiture by assignment because one of the owners has not granted its consent, which is required for any assignment under the terms of the facility lease. Instead, that owner has sought to negotiate its own management agreement with a new operator, and those negotiations have not yet been completed.⁴ Defendants have represented that they are finalizing a Termination Agreement with

¹ Columbus C5 is located at 21 East State Street, Columbus, Ohio.

² Under Paragraph IV.A of the Final Judgment, Defendants were required to divest all their interests in the 107 Parking Facilities listed in Schedule A to the Final Judgment within five days after notice of entry of the Final Judgment, that is, by January 8, 2013. The United States granted extensions of time for certain divestitures on January 8, February 7, and March 8, 2013, under Paragraph IV.D, but those extensions could not last more than 90 days in total, that is, past April 8, 2013.

³ The lease on Columbus C5 does not afford Defendants a general right to terminate the agreement on notice under Paragraph IV.K of the Final Judgment before the end of its normal term on July 31, 2013.

⁴ The United States has attempted to reach the owner of the Columbus C5 parking facility to obtain more information about the circumstances of this attempted divestiture and likely timing of an agreement with a new operator, but to date has not received a response from the owner.

the owner that will end the current lease for the Columbus C5 facility upon the effective date of a new lease between the owner and Allpro.

Under the terms of Paragraph VI.G and Section IX of the Final Judgment, if any Parking Facilities have not been divested by April 8, 2013, this Court has the power under its retained jurisdiction to issue such orders as it considers necessary or appropriate to carry out the purposes of the Final Judgment. This includes the approval of any further extensions of time to complete divestitures.

Accordingly, for the reasons stated above, the United States does not object to the Defendants' Motion for a 30-day extension, until May 8, 2013, to effectuate the last divestiture required by the Final Judgment.

Dated: April 4, 2013

Respectfully submitted,

/s/ Carl Willner
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