

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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UNITED STATES OF AMERICA; )  
STATE OF OHIO; )  
STATE OF ARIZONA; )  
STATE OF CALIFORNIA; )  
STATE OF COLORADO; )  
STATE OF FLORIDA; )  
COMMONWEALTH OF KENTUCKY; )  
STATE OF MARYLAND; )  
STATE OF MICHIGAN; )  
STATE OF NEW YORK; ) Civil No. 1:98 CV 1616  
COMMONWEALTH OF PENNSYLVANIA; ) Judge Ann Aldrich  
STATE OF TEXAS; )  
STATE OF WASHINGTON; and )  
STATE OF WISCONSIN, )  
)  
Plaintiffs, ) Filed:  
)  
v. )  
)  
USA WASTE SERVICES, INC.; )  
DOME MERGER SUBSIDIARY; and )  
WASTE MANAGEMENT, INC., )  
)  
Defendants. )

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**JOINT MOTION BY THE PARTIES FOR ENTRY  
OF A MODIFIED FINAL JUDGMENT**

Plaintiffs and defendants hereby jointly move this Court for entry of a modified version of the proposed Final Judgment, originally filed herein on July 16, 1998. The Modified Final Judgment, filed on September 14, 1999, differs from the original proposal in one minor respect: it would eliminate defendants' contingent obligation to divest one (of several transfer stations) in the New York City, New York market.

The parties make this joint motion on the following grounds:

(a) The United States has filed a Certificate of Compliance, certifying that it has fulfilled its statutory obligations under the Antitrust Procedures and Penalties Act (15 U.S.C. §§ 16(b)-(h)) to provide notice, opportunity for public comment, and government response on the proposed settlement of this antitrust suit against defendant USA Waste Services, Inc.'s proposed acquisition of defendant Waste Management, Inc.

(b) For the reasons fully set forth in the accompanying memoranda in support of the parties' Joint Motion, plaintiffs, the United States and the State of New York, and the defendants propose that the Court enter a modified version of the Judgment, which would eliminate the defendants' obligation to divest one New York City waste transfer station -- the Brooklyn (or "Scott Avenue") Transfer Station -- since the reasons for divesting this transfer station are no longer valid and the defendants have agreed to divest instead another New York City transfer station that the parties believe is more capable of alleviating the governments' competitive concerns. (Each of the other parties concurs in the motion to enter the proposed Modified Final Judgment.)

(c) Entry of the Modified Final Judgment is in the public interest.

Dated: September 13, 1999.

Respectfully submitted,

ON BEHALF OF PLAINTIFFS

By: \_\_\_\_\_  
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