

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

VULCAN MATERIALS COMPANY and
FLORIDA ROCK INDUSTRIES, INC.,

Defendants.

CASE: 1:07-cv-02044

JUDGE: Sullivan, Emmet G.

DECK TYPE: Antitrust

DATE STAMP:

**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 the Final Judgment in the above-captioned matter:

1. Plaintiff and defendants, Vulcan Materials Company ("Vulcan") and Florida Rock Industries, Inc. ("Florida Rock"), have stipulated to the entry of the proposed Final Judgment in a Hold Separate Stipulation and Order ("HSSO") filed with the Court on November 13, 2007.
2. The proposed Final Judgment was filed with the Court on November 13, 2007.
3. The Competitive Impact Statement was filed with the Court on November 13, 2007.
4. The proposed Final Judgment and Competitive Impact Statement were published in the *Federal Register* on December 4, 2007, *see United States v. Vulcan Materials Company and Florida Rock Industries, Inc.*, 72 Fed. Reg. 68189.

5. A summary of the terms of the proposed Final Judgment was published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, for seven days beginning on December 16, 2007 and ending on December 22, 2007.

6. Copies of the HSSO, proposed Final Judgment, and Competitive Impact Statement were furnished to all persons requesting them and made available on the Antitrust Division's Internet site.

7. On November 21, 2007, defendants Vulcan and Florida Rock filed with the Court a description of written or oral communications by or on behalf of the defendants, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment, as required by 15 U.S.C. § 16(g).

8. The sixty-day comment period prescribed by 15 U.S.C. § 16(b) and (d) for the receipt and consideration of written comments, during which the proposed Final Judgment could not be entered, ended on February 20, 2008.

9. The United States received one comment on the proposed Final Judgment, and responded to that comment in Plaintiff United States' Amended Response to Public Comment ("Response"), filed on March 19, 2008. The comment and Response were published in the Federal Register on April 4, 2008.

10. The parties have satisfied all the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), as a condition for entering the proposed Final Judgment,

and it is now appropriate for the Court to make the necessary public interest determination required by 15 U.S.C. § 16(e) and to enter the proposed Final Judgment.

Dated: April 11, 2008

Respectfully submitted,

Robert W. Wilder /CAH

Robert W. Wilder

Attorney

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