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17 **UNITED STATES DISTRICT COURT**
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

21 UNITED STATES OF AMERICA,
22
23 Plaintiff,
24 v.
25 VA PARTNERS I, LLC, et al.,
26 Defendants.
27

Case No. 16-cv-01672 (WHA)

**UNITED STATES’
CERTIFICATE OF
COMPLIANCE WITH THE
ANTITRUST PROCEDURES
AND PENALTIES ACT**

1 Plaintiff, United States of America (“United States”), by the undersigned attorney,
2 hereby certifies that in compliance with the Antitrust Procedures and Penalties Act, 15
3 U.S.C. § 16(b)-(h) (“APPA”), the following procedures have been followed in
4 preparation for the entry of the Final Judgment in this matter:

5 1. The Stipulation and proposed Final Judgment, by which the parties have
6 agreed to the Court’s entry of Final Judgment following compliance with the APPA, were
7 filed with the court on July 12, 2016 (ECF. No. 38; ECF No. 38-1). The United States
8 also filed its Competitive Impact Statement on July 12, 2016 (ECF. No. 39).

9 2. Pursuant to 15 U.S.C. §16(b), the proposed Final Judgment and
10 Competitive Impact Statement were published in the *Federal Register* on July 25, 2016
11 (*see* 81 Fed. Reg. 48450).

12 3. Pursuant to 15 U.S.C. §16 (c), copies of the proposed Final Judgment and
13 Competitive Impact Statement were furnished to all persons requesting them and made
14 available on the Department of Justice, Antitrust Division’s website, as were the
15 Complaint and Stipulation and Order.

16 4. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed
17 Final Judgment was published in *The San Francisco Chronicle*, a newspaper of general
18 circulation in the district in which this case has been filed, for seven days beginning on
19 July 18, 2016 and ending on July 24, 2016, and in *The Washington Post*, a newspaper of
20 general circulation in the District of Columbia, for seven days beginning on July 18, 2016
21 and ending on July 24, 2016.

22 5. As noted in the Competitive Impact Statement, there were no
23 determinative materials or documents within the meaning of 15 U.S.C. §16(b) that were
24 considered by the United States in formulating the proposed Final Judgment, so none was
25 furnished to any person pursuant to 15 U.S.C. §16(b) or listed pursuant to 15 U.S.C.
26 §16(c).

27 6. As required by 15 U.S.C. § 16(g), on July 26, 2016, the Defendants jointly
28 filed with the Court a description of any written or oral communications made by or on

1 behalf of the defendants, or any other person, with any officer or employee of the United
2 States concerning the proposed Final Judgment (ECF No. 46).

3 7. The sixty-day comment period prescribed by 15 U.S.C. § 16(b) and (d) for
4 the receipt and consideration of written comments, during which the proposed Final
5 Judgment could not be entered, ended on September 23, 2016.

6 8. The United States received one public comment on the proposed Final
7 Judgment.

8 9. On October 17, 2016, the United States filed with the Court the comment
9 and its Response to Public Comment (ECF No. 49).

10 10. On October 21, 2016, the United States published in the *Federal Register*
11 the comment and its Response to Public Comment (*see* 81 Fed. Reg. 72832).

12 11. The United States' Competitive Impact Statement and Response to Public
13 Comment demonstrate that the proposed Final Judgment satisfies the public interest
14 standard of 15 U.S.C. §16(e).

15 12. The parties have satisfied all the requirements of the APPA, 15 U.S.C. §
16 16(b)-(h), that were conditions for entering the proposed Final Judgment. The Court may
17 now enter the Final Judgment if the Court determines, pursuant to 15 U.S.C. §16(e), that
18 entry of the Final Judgment is in the public interest.

19
20 Dated: October 21, 2016

Respectfully submitted,

21
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