

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

UNITED STATES OF AMERICA

Plaintiff,

v.

AMC ENTERTAINMENT HOLDINGS,
INC.,

and

CARMIKE CINEMAS, INC.,

Defendants.

Civil Action No.: 1:16-cv-02475

Judge Randolph D. Moss

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

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

1. The Complaint, proposed Final Judgment, and Hold Separate Stipulation and Order, by which the parties have agreed to the Court’s entry of the proposed Final Judgment following compliance with the APPA, were filed with the Court on December 20, 2016. The United States also filed a Competitive Impact Statement on December 20, 2016.

2. Pursuant to 15 U.S.C. §16(b), the proposed Final Judgment and Competitive Impact Statement were published in the *Federal Register* on December 30, 2016 (*see* 81 Fed. Reg. 96486), a copy of which is attached as Exhibit A.

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

4. Pursuant to 15 U.S.C. § 16(c), 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 22, 2016, and ending on December 28, 2016. A copy of the notice and Proof of Publication in *The Washington Post* is attached as Exhibit B.

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

6. As required by 15 U.S.C. § 16(g), on December 29, 2016, the Defendants jointly filed a description of any written or oral communications made 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, with the Court through AMC's counsel.¹

7. 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

¹ On December 21, 2016, consistent with the Hold Separate Stipulation and Order entered by this Court on December 20, 2016 (ECF Docket No. 7), AMC Entertainment Holdings, Inc. closed its acquisition of Carmike Cinemas, Inc. and, thus, submitted the report and certification on behalf of all Defendants.

not be entered, ended on February 28, 2017. The United States did not receive any comments on the proposed Final Judgment.²

8. The parties have satisfied all of the APPA's requirements—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), entry of the Final Judgment is in the public interest.

Dated: March 1, 2017

Respectfully submitted,

_____/s/_Gregg I. Malawer_____
Gregg I. Malawer (D.C. Bar #481685)
Miriam R. Vishio (D.C. Bar #482282)
U.S. Department of Justice
Antitrust Division, Litigation III Section
450 5th St., NW, Suite 4000
Washington, DC 20530
Fax: (202) 514-7308
Telephone: Gregg Malawer (202) 616-5943
E-mail: gregg.malawer@usdoj.gov
Telephone: Miriam Vishio (202) 598-8091
E-mail: miriam.vihio@usdoj.gov
COUNSEL FOR PLAINTIFF UNITED
STATES OF AMERICA

² The Division received correspondence from one private citizen directed to a company not subject to the settlement, the cable channel American Movie Company rather than American Multi-Cinema. In addition, the correspondence did not comment on the settlement. Accordingly, the Division did not file a response to the correspondence or publish the correspondence in the federal register.

CERTIFICATE OF SERVICE

I, Gregg I. Malawer, hereby certify that on March 1, 2017, I served copies of the foregoing Certificate of Compliance with Provisions of the Antitrust Procedures and Penalties Act by electronic mail on counsel for the Defendants as follows:

Counsel for Defendant AMC Entertainment Holdings, Inc.

Michael B. Bernstein, Esq.
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave., NW
Washington, DC 20001
Telephone: (202) 942-5227
Fax: (202) 942-5999
E-mail: Michael.B.Bernstein@apks.com

Counsel for Defendant Carmike Cinemas, Inc.

Jeffrey S. Spigel
Counsel for Defendant Carmike Cinemas, Inc.
King & Spalding
1700 Pennsylvania Ave., NW, Suite 200
Washington, DC 20006-4707
Telephone: (202) 626-2626
Fax: (202) 626-3737
E-mail: jspigel@kslaw.com

_____/s/_____
Gregg I. Malawer
U.S. Department of Justice
Antitrust Division, Litigation III Section
450 5th St., NW, Suite 4000
Washington, DC 20530
Phone: (202) 616-5943
Counsel for Plaintiff United States