

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
)	
Plaintiff,)	No. 1:98CV03170
)	Judge Emmet G. Sullivan
v.)	
)	
AT&T CORPORATION and)	
TELE-COMMUNICATIONS, INC.,)	
)	
Defendants.)	

**MOTION TO ESTABLISH
PROCEDURES FOR TERMINATION OF FINAL JUDGMENT**

Plaintiff United States of America and Defendant AT&T Corporation (“AT&T,” the successor in interest to Tele-Communications, Inc.) and Liberty Media Corporation (“Liberty”) move this Court to enter an order establishing procedures for the termination of the Final Judgment entered in this case, and in support of this motion, state as follows:

1. Plaintiff United States of America and Defendant AT&T and Liberty have entered into a Stipulation to terminate the Final Judgment entered by this Court on August 23, 1999. The United States has provisionally agreed to the termination. However, the United States as a matter of policy does not consent to the termination of judgments without public notice and an opportunity for public comment.

2. Therefore, the parties have agreed in the Stipulation to procedures providing all potentially interested persons with adequate notice that a proposed termination of this Final Judgment is pending, adequate notice of the reasons in support of the proposed termination, and an adequate opportunity to comment. See United States v. Swift & Co., 1975-1 Trade Cas. (CCH) ¶ 60,201 at 65,703 (N.D. Ill. 1975) (identifying these as minimum requirements when considering judgment modification).

3. The United States, AT&T and Liberty have agreed that AT&T and Liberty will publish notice at their expense.

Therefore, the United States, AT&T and Liberty move the Court to order:

- a. that AT&T and Liberty shall publish at their own expense a notice of the proposed termination of the Final Judgment (in the form attached as the Notice of Proposed Termination of the Final Judgment entered against AT&T Corporation and Tele-Communications, Inc. on August 23, 1999, Exhibit A) in two consecutive issues of (a) *the Wall Street Journal* and (b) *Wireless Week*, and file proof of such publication with the Court;
- b. that copies of all comments received by the United States within sixty (60) days after the last publication of the notices required by this Order and the United States' responses be filed with this Court by the United States within a reasonable period of time after the conclusion of the sixty (60) day comment period, and;
- c. that this Court will not rule upon the joint motion of the United States and AT&T and Liberty until at least the seventieth (70th) day after the last

publication of the notices required by this Order.

Respectfully submitted,

FOR PLAINTIFF THE UNITED STATES OF
AMERICA

_____/s/_____
R. Hewitt Pate
D.C. Bar # 473598
Deputy Assistant Attorney General

_____/s/_____
Nancy M. Goodman
D.C. Bar # 251694
Chief
Telecommunications and Media Enforcement
Section

_____/s/_____
Constance K. Robinson
D.C. Bar # 244806
Director of Operations

_____/s/_____
Peter A. Gray
PA Bar # 57628
Attorney
Telecommunications and Media Enforcement
Section

U.S. Department of Justice
Antitrust Division
1401 H. Street, N.W., Suite 8000
Washington, D.C. 20530
Telephone: (202) 514-5621

Dated: 2/21/02

FOR DEFENDANT AT&T CORPORATION

_____/s/_____
Ilene Knable Gotts
NY Bar #
Wachtell, Lipton, Rosen, & Katz
51 West 52nd Street
New York, New York 10019
Telephone: (212) 403-1247

Dated: 2/21/02

FOR LIBERTY MEDIA CORPORATION

_____/s/_____
Kathryn M. Fenton
D.C. Bar # 250-944
Jones, Day, Reavis & Pogue
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Telephone: (202) 879-3746

Dated: 2/21/02