

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

UNITED STATES OF AMERICA	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 97 0406 (LFO)
	:	
EZ COMMUNICATIONS, INC.,	:	Received June 9, 1997 at 12:53 PM
and EVERGREEN MEDIA	:	
CORPORATION,	:	N. MAYER-WHITTINGTON, CLERK
	:	DISTRICT OF COLUMBIA
Defendants.	:	
	:	

**NOTICE OF FILING OF AMENDED COMPLAINT
AND PROPOSED FINAL JUDGMENT**

Pursuant to Fed. R. Civ. P. 15, Plaintiff, the United States of America, hereby files its Amended Complaint and proposed Final Judgment in this action, prior to service of any responsive pleadings, for the following reasons:

A. Numbered paragraph (5) of the Stipulation and Order entered by the Court herein on March 6, 1997 states, in pertinent part, that:

In the event that, as contemplated by defendants, the WRFX-FM Assets [as defined in the proposed Final Judgment] are transferred by defendant Evergreen Media Corporation (“Evergreen”) to defendant EZ Communications, Inc. (“EZ”) or to a trust approved by plaintiff and the FCC prior to the entry of the attached Final Judgment, then an amended Complaint and proposed Final Judgment which do not name Evergreen as a

defendant shall promptly be filed herein and submitted to the Court.

B. The contemplated transfer of the WRFX-FM Assets to a trust approved by Plaintiff and the FCC was consummated on May 15, 1997, and Evergreen retains no ownership interest whatsoever in the WRFX-FM Assets.

C. In keeping with the agreement embodied in the aforesaid Stipulation and Order, the Complaint and proposed Final Judgment in this case have been amended for the sole purpose of not naming Evergreen as a defendant in this matter.

D. Plaintiff has been authorized to represent that both Evergreen and defendant, EZ Communications, Inc., concur in the filing of the annexed Amended Complaint and proposed Final Judgment.

Dated: June 9, 1997.

Respectfully Submitted,

_____/s/_____
Dando B. Cellini

U.S. Department of Justice
Antitrust Division
Merger Task Force
1401 H St. N.W., Ste. 4000
Washington, D.C. 20530
(202) 307-0829

Certificate of Service

I, Dando B. Cellini, hereby certify that, on June 9, 1997, I caused the foregoing Notice of Filing, together with the annexed Amended Complaint and proposed Final Judgment, to be served on counsel for EZ Communications, Inc. and Evergreen Media Corporation, by having a copy mailed, first-class, postage prepaid, to:

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_____/s/_____
Dando B. Cellini