

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
(WHITE PLAINS)**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civ. Action No. 41-1395
)	(relates to former Civ. Action
)	No. 42-245) (WCC)
)	
v.)	
)	
THE AMERICAN SOCIETY OF COMPOSERS,)	
AUTHORS AND PUBLISHERS,)	<u>EXHIBIT 1</u>
)	
Defendant.)	
)	

**NOTICE OF PROPOSED ORDER TO VACATE THE FINAL JUDGMENT
AND TO DISMISS THIS ACTION WITHOUT PREJUDICE**

PLEASE TAKE NOTICE that the parties to the Final Judgment entered by the Court in the captioned matter on March 14, 1950, as modified on November 14, 1997, have asked this Court to vacate the Final Judgment and to dismiss this action without prejudice.

The parties have simultaneously requested that the Court enter the proposed Second Amended Final Judgment in *United States v. American Society of Composers, Authors and Publishers*, Civ. Action No. 41-1395. The proposed Second Amended Final Judgment incorporates the substantive provisions of the Final Judgment in this action (the “Foreign Decree”). The proposed Second Amended Final Judgment becomes effective three months from the date of its entry and vacates the Amended Final Judgment in that action, all modifications or amendments thereto, the Order entered thereunder on January 7, 1960, and all modifications and amendments thereto, and the Foreign Decree.

The United States will file with the Court a memorandum setting forth the reasons it believes entering the proposed Second Amended Final Judgment and vacating the Amended Final Judgment in Civ. Action No. 41-1395, and vacating the Foreign Decree and dismissing this action would serve the public interest. Copies of the parties' motion to vacate and dismiss, the United States' memorandum, and all further papers filed with the court in connection with this motion will be available for inspection at Room 200, Antitrust Division, Department of Justice, 325 Seventh Street, N.W., Washington, DC 20530, and at the Office of the Clerk of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007. Copies of any of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments to the United States regarding the proposal to enter the Second Amended Final Judgment and to vacate the Amended Final Judgment in Civ. Action No. 41-1395, and to vacate the Foreign Decree and to dismiss this action. Such comments must be received by the Division within sixty (60) days and will be filed with the court by the United States. Comments should be addressed to James Wade, Chief, Civil Task Force, Antitrust Division, Department of Justice, 325 7th Street, N.W., Room 300, Washington, D.C. 20530.