

Amy R. Fitzpatrick (D.C. Bar # 458680)
U.S. Department of Justice, Antitrust Division
450 Fifth Street, N.W., Suite 4100
Washington, D.C. 20530
Phone: (202) 532-4558
Facsimile: (202) 307-5802
E-mail: amy.fitzpatrick@usdoj.gov

Attorney for Plaintiff United States of America

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

FLAKEBOARD AMERICA LIMITED,

CELULOSA ARAUCO Y CONSTITUCIÓN,
S.A.,

INVERSIONES ANGELINI Y COMPAÑÍA
LIMITADA,

and

SIERRAPINE,

Defendants.

Case No. 3:14-cv-4949

**UNITED STATES' EXPLANATION OF
CONSENT-DECREE PROCEDURES**

The United States submits this short memorandum summarizing the procedures regarding the Court's entry of the proposed Final Judgment. This Judgment would settle this case under the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h) (the “APPA”), which applies to civil antitrust cases brought and settled by the United States.

1 1. Today, the United States has filed a Complaint, this Explanation of Consent-Decree
2 Procedures, a Stipulation, and a proposed Final Judgment. The parties have agreed that the Court
3 may enter the proposed Final Judgment after the United States has complied with the APPA. The
4 United States also has filed a Competitive Impact Statement relating to the proposed Final
5 Judgment.

6 2. The APPA requires that the United States publish the proposed Final Judgment and the
7 Competitive Impact Statement in the *Federal Register* and cause to be published a summary of
8 the terms of the proposed Final Judgment and the Competitive Impact Statement in certain
9 newspapers at least 60 days before entry of the proposed Final Judgment. Defendants in this
10 matter have agreed to arrange and bear the costs for the newspaper notices. The notices will
11 inform members of the public that they may submit comments about portions of the proposed
12 Final Judgment to the United States Department of Justice, Antitrust Division, 15 U.S.C.
13 § 16(b)–(c). The civil-penalty component of the proposed Final Judgment, however, is not open
14 to public comment. Courts have consistently entered consent judgments for civil penalties under
15 Section 7A of the Clayton Act, 15 U.S.C. § 18a, without employing APPA procedures.¹

16 3. During the 60-day period, the United States will consider, and at the close of that period
17 respond to, any comments that it has received, and it will publish the comments and the United
18 States' responses in the Federal Register.

19 4. After the expiration of the 60-day period, the United States will file with the Court the
20 comments and the United States' responses, and it may ask the Court to enter the proposed Final
21 Judgment (unless the United States has decided to withdraw its consent to entry of the Final
22 Judgment, as permitted by Section 2 of the Stipulation, *see* 15 U.S.C. § 16(d)).

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26 ¹ See, e.g., *United States v. Berkshire Hathaway Inc.*, 2014-2 Trade Cas. (CCH) ¶78,870
27 (D.D.C.); *United States v. Barry Diller*, 2013-1 Trade Cas. (CCH) ¶ 78,446 (D.D.C.); *United States v. MacAndrews & Forbes Holdings, Inc.*, 2013-1 Trade Cas. (CCH) ¶ 78,443 (D.D.C.).

1 5. If the United States requests that the Court enter the proposed Final Judgment after
2 compliance with the APPA, 15 U.S.C. § 16(e)–(f), then the Court may enter the Final Judgment
3 without a hearing, provided that it concludes that the Final Judgment is in the public interest.
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5 Respectfully submitted,
6

7 /s/ Amy Fitzpatrick
8 AMY R. FITZPATRICK
9 Antitrust Division
10 U.S. Department of Justice
11 450 5th Street, N.W., Suite 4100
12 Washington, D.C. 20530
13 Phone: (202) 532-4558
14 Facsimile: (202) 307-5802
15 E-mail: amy.fitzpatrick@usdoj.gov

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28 Dated: November 7, 2014

CERTIFICATE OF SERVICE

I certify that on November 7, 2014, I electronically filed this Complaint with the Clerk of Court using the CM/ECF system. A copy has also been sent via e-mail to:

Counsel for Flakeboard America Limited,
Celulosa Arauco y Constitución, S.A., and
Inversiones Angelini y Compañía Limitada:

Andrew M. Lacy
Simpson, Thacher & Bartlett LLP
1155 F Street, N.W.
Washington, D.C. 20004
Phone: (202) 636-5505
E-mail: alacy@stblaw.com

Counsel for SierraPine:

Amanda P. Reeves
Latham & Watkins LLP
555 Eleventh Street N.W., Suite 1000
Washington, D.C. 20004
Phone: (202) 637-2183
E-mail: amanda.reeves@lw.com

/s/ Amy R. Fitzpatrick
AMY R. FITZPATRICK
Antitrust Division
U.S. Department of Justice
450 Fifth Street, N.W., Suite 4100
Washington, D.C. 20530
Phone: (202) 532-4558
Facsimile: (202) 307-5802
E-mail: amy.fitzpatrick@usdoj.gov