

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

)	
UNITED STATES OF AMERICA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 17-cv-02761 (APM)
)	
VULCAN MATERIALS COMPANY, et al.,)	
)	
Defendants.)	
)	

ORDER


On December 22, 2017, the United States and the State of Tennessee filed this action against Vulcan Materials Company (“Vulcan Materials”), SPO Partners II, L.P., and Aggregates USA, LLC, alleging that Vulcan Materials’ proposed acquisition of Aggregates USA would violate Section 7 of the Clayton Act, 15 U.S.C. § 18, in the market for coarse aggregate in parts of east Tennessee and southwest Virginia. *See* Compl., ECF No. 1. Plaintiffs filed with their Complaint a Hold Separate Stipulation and Order; a proposed Final Judgment; and a Competitive Impact Statement. *See* United States’ Explanation of Consent Decree Procedures, ECF No. 2 [hereinafter Explanation]; Explanation, Hold Separate Stip. & Order, ECF No. 2-1; Explanation, Proposed Final J., ECF No. 2-2; Competitive Impact Statement, ECF No. 3. The court executed the Hold Separate Stipulation and Order the same day. *See* Order, ECF No. 4. Thereafter, as required by the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h) (the “Tunney Act”), the United States published and subjected the proposed Final Judgment to a 60-day public comment period, which expired on March 17, 2018. *See* Unopposed Mot. & Mem. of the United States in Supp. of Entry of Final J., ECF No. 8, at 2–3. The public comment period elicited no

responses. *See id.* Plaintiffs now asks the court to enter the agreed-upon Final Judgment, which would permit Vulcan Materials, SPO Partners II, and Aggregates USA to complete the proposed transaction subject to conditions intended to remedy the violations identified in the Complaint.

The court has carefully reviewed the Complaint; the Unopposed Motion and Memorandum in Support of Final Judgment; the proposed Final Judgment; and the Competitive Impact Statement, all under the Tunney Act's "public interest" standard. *See United States v. Microsoft Corp.*, 56 F.3d 1448, 1461 (D.C. Cir. 1995). It also has considered the United States' representations that the Final Judgment satisfies the "public interest" standard, as well as the absence of any comments opposing or criticizing the Final Judgment. After a review of the entire record, the court finds that the proposed Final Judgment "is in the public interest." 15 U.S.C. § 16(e)(1).

A signed Final Judgment accompanies this Order.

Dated: April 6, 2018


Amit P. Mehta
United States District Judge