

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

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UNITED STATES OF AMERICA,

*Plaintiff,*

v.

GS CALTEX CORPORATION

*Defendant.*

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CASE NO. 2:18-cv-1456

**STIPULATION BY THE UNITED STATES AND DEFENDANT GS CALTEX  
CORPORATION**

It is hereby stipulated by and between the undersigned parties that:

1. The Court has jurisdiction over the subject matter of this action and over Defendant GS Caltex Corporation (“GS Caltex”); GS Caltex waives service of summons on the Complaint; and venue is proper in the Southern District of Ohio.
2. A proposed Final Judgment in the form attached hereto as Exhibit A may be filed with this Court by the United States and may be entered by the Court, upon the motion of any party or upon the Court’s own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16 (“APPA”), and without further notice to any party or other proceedings, provided that the United States has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on GS Caltex by filing that notice with the Court.
3. GS Caltex agrees to arrange, at its expense, publication as quickly as possible of the newspaper notice required by the APPA. The publication shall be arranged no later

than three (3) calendar days after GS Caltex's receipt from the United States of the text of the notice and the identity of the newspaper within which the publication shall be made. GS Caltex shall promptly send to the United States (1) confirmation that publication of the newspaper notice has been arranged, and (2) the certification of the publication prepared by the newspaper within which the notice was published.

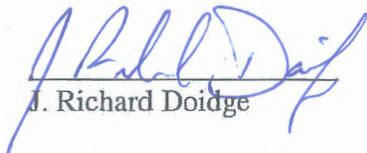
4. GS Caltex represents that the payment ordered in the proposed Final Judgment can and will be made, and that it will later raise no claim of mistake, hardship, or difficulty of compliance as grounds for asking the Court to modify any of the provisions contained therein.
5. The entry of the Final Judgment in accordance with this Stipulation settles any and all civil antitrust claims of the United States against GS Caltex arising from any act or offense committed before the date of the signature of this Stipulation that was undertaken in furtherance of an attempted or completed antitrust conspiracy involving Posts, Camps & Stations and/or Army and Air Force Exchange Service fuel supply contracts with the U.S. military in South Korea during the period 2005 through 2016.
6. This Stipulation shall apply with equal force and effect to any amended proposed Final Judgment agreed upon in writing by the parties and submitted to the Court.
7. In the event that (1) the United States has withdrawn its consent, as provided in Paragraph 2 above, or (2) the proposed Final Judgment is not entered pursuant to this Stipulation, the time has expired for all appeals of any Court ruling declining entry of the proposed Final Judgment, and the Court has not otherwise ordered continued compliance with the terms and provisions of the proposed Final Judgment, then the

parties are released from all further obligations under this Stipulation, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated this 14<sup>th</sup> day of November, 2018.

Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA

  
J. Richard Doidge

U.S. Department of Justice  
Antitrust Division  
Transportation, Energy &  
Agriculture Section  
450 Fifth Street, NW, Suite 8000  
Washington, DC 20530  
Tel: (202) 514-8944  
Fax: (202) 616-2441  
E-mail: dick.doidge@usdoj.gov

BENJAMIN C. GLASSMAN  
United States Attorney

  
Andrew M. Malek (0061442)  
Assistant United States Attorney  
303 Marconi Boulevard, Suite 200  
Columbus, Ohio 43215  
Tel: (614) 469-5715  
Fax: (614) 469-2769  
E-Mail: Andrew.Malek@usdoj.gov

FOR DEFENDANT GS CALTEX CORPORATION

  
Marguerite M. Sullivan

Latham & Watkins LLP  
555 Eleventh Street, NW  
Washington, DC 20004  
Tel: (202) 637-1027  
Fax: (202) 272-3602  
E-mail: marguerite.sullivan@lw.com

Scott D. Hammond

Gibson, Dunn & Crutcher LLP  
1050 Connecticut Ave., NW  
Washington, DC 200036  
Tel: (202) 887-3684  
Fax: (202) 530-9582  
E-mail: shammond@gibsondunn.com