

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

COLUMBUS MCKINNON CORPORATION,

KKR NORTH AMERICA FUND XI L.P.,

and

KITO CROSBY LIMITED,

Defendants.

Case No. 1:26-cv-00266-TJK

**UNITED STATES' UNOPPOSED MOTION AND MEMORANDUM
IN SUPPORT OF ENTRY OF FINAL JUDGMENT**

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (“APPA”), the United States of America (“United States”) moves the Court to enter the proposed Final Judgment filed in this civil antitrust proceeding on January 29, 2026 (Dkt. No. 2-2) (attached as [Exhibit A](#)).

The proposed Final Judgment may be entered at this time without further proceedings if the Court determines that entry is in the public interest. 15 U.S.C. § 16(e). The Competitive Impact Statement filed in this matter on January 29, 2026 (Dkt. No. 3) explains why entry of the proposed Final Judgment is in the public interest. The United States is also filing a Certificate of Compliance (attached as [Exhibit B](#)) showing that the parties have complied with all applicable

provisions of the APPA and certifying that the United States has satisfied the 60-day statutory public comment period requirement.

I. BACKGROUND

On January 29, 2026, the United States filed a civil antitrust Complaint seeking to enjoin the proposed acquisition of all of the voting securities of Kito Crosby Limited (“Kito Crosby”) by Columbus McKinnon Corporation (“CMCO”). The Complaint alleges that the likely effect of this acquisition would be to substantially lessen competition in the markets for the development, manufacture, distribution and sale of electric chain hoists and overhead lifting chain in the United States in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18. This loss of competition likely would result in higher prices, decreased service, reduction of quality, and slowing of innovation with regard to electric chain hoists and overhead lifting chain.

At the same time the Complaint was filed, the United States also filed a proposed Final Judgment, Asset Preservation and Hold Separate Stipulation and Order (“Stipulation and Order”), and a Competitive Impact Statement describing the events giving rise to the alleged violation and the proposed Final Judgment. The Stipulation and Order, which was agreed to by the parties and which was entered by the Court on January 31, 2026 (Dkt. No. 8), provides that the proposed Final Judgment may be entered by the Court once the requirements of the APPA have been met. The proposed Final Judgment requires Defendants to divest CMCO’s power chain hoist and chains businesses in the United States. Entry of the proposed Final Judgment will terminate this action, except that the Court will retain jurisdiction to construe, modify, or enforce the provisions of the Final Judgment and to punish violations thereof.

II. COMPLIANCE WITH THE APPA

The Certificate of Compliance filed with this Motion and Memorandum states that all the requirements of the APPA have been satisfied. In particular, the APPA requires a period of at least 60 days for the submission of written comments relating to the proposed Final Judgment. 15 U.S.C. § 16(b). In compliance with the APPA, the United States filed the proposed Final Judgment and the Competitive Impact Statement with the Court on January 29, 2026; published the proposed Final Judgment and Competitive Impact Statement in the *Federal Register* on February 3, 2026 (*see* 91 Fed. Reg. 4938 (2026)); and caused a summary of the terms of the proposed Final Judgment and the Competitive Impact Statement, along with directions for the submission of written comments, to be published in *The Washington Post* for seven days during the period February 4, 2026 to February 10, 2026. The United States did not receive any comments.

III. STANDARD OF JUDICIAL REVIEW

Before entering the proposed Final Judgment, the APPA requires the Court to determine whether the proposed Final Judgment “is in the public interest.” 15 U.S.C. § 16(e)(1). In making that determination, the Court, in accordance with the statute as amended in 2004, “shall consider”:

- (A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and
- (B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. § 16(e)(1)(A), (B). Section 16(e)(2) of the APPA states that “[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.” 15 U.S.C. § 16(e)(2). In its Competitive Impact Statement, the United States explained the meaning and the proper application of the public interest standard under the APPA to this case and now incorporates those statements by reference.

IV. ENTRY OF THE PROPOSED FINAL JUDGMENT IS IN THE PUBLIC INTEREST

The United States alleged in its Complaint that CMCO’s proposed acquisition of Kito Crosby from KKR North America Fund XI L.P. may substantially lessen competition in the markets for the development, manufacture, distribution, and sale of electric chain hoists and overhead lifting chain in the United States in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18. As explained in the Competitive Impact Statement, the proposed Final Judgment is designed to eliminate the likely anticompetitive effects of the acquisition alleged by the United States by requiring Defendants to make a divestiture of the business of the development, manufacture, distribution, and sale of power chain hoists and chains by CMCO in the United States. The public, including affected competitors and customers, has had the opportunity to comment on the proposed Final Judgment, and no comments were submitted. As explained in the Competitive Impact Statement, entry of the proposed Final Judgment is in the public interest.

V. CONCLUSION

For the reasons set forth in this Motion and Memorandum and in the Competitive Impact Statement, the United States respectfully requests that the Court find that the proposed Final Judgment is in the public interest and enter the proposed Final Judgment.

Dated: April 24, 2026

Respectfully submitted,

/s/ Gabriella Neizmik
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