

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

Supplemental to Case No. 41-1395 (DLC)

**UNITED STATES' NOTICE OF MOTION AND UNOPPOSED MOTION FOR ENTRY
OF PROPOSED SETTLEMENT AGREEMENT AND ORDER**

For the reasons described in the accompanying Memorandum in Support of the United States' Unopposed Motion for Entry of Proposed Settlement Agreement and Order, the United States respectfully moves this Court for entry of the Proposed Settlement Agreement and Order. By agreement of the parties, the Settlement Agreement and Order provides for injunctive relief and a civil payment of \$1.75 million by the American Society of Composers, Authors and Publishers to resolve all claims in the Petition by the United States for an Order to Show Cause Why Respondent American Society of Composers, Authors and Publishers Should Not Be Found in Civil Contempt and the other matters described in the Memorandum. ASCAP does not oppose entry of the Proposed Settlement Agreement and Order.

Dated: May 12, 2016

Respectfully submitted,

FOR PLAINTIFF UNITED STATES

/s/Kelsey W. Shannon
KELSEY W. SHANNON

DAVID C. KULLY
JEFFREY G. VERNON
Attorneys for the United States
Litigation III Section
Antitrust Division
U.S. Department of Justice
450 Fifth Street, N.W., Suite 4000
Washington, D.C., 20530
Telephone: (202) 598-2854
Facsimile: (202) 514-7308
kelsey.shannon@usdoj.gov
david.kully@usdoj.gov
jeffrey.vernson@usdoj.gov

CERTIFICATE OF SERVICE

I certify that on May 12, 2016, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification to all counsel of record in this matter who are registered with the Court's ECF system. I also served an electronic copy of the foregoing on the following counsel for Defendant American Society of Composers, Authors and Publishers, who have agreed to accept electronic service pursuant to Fed. R. Civ. P. 5(b)(2)(E):

Jay Cohen
Andrew Finch
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas
New York, NY 10019-6064
jaycohen@paulweiss.com
afinch@paulweiss.com

/s/ Kelsey W. Shannon
Kelsey W. Shannon