UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRH PLC,

CRH AMERICAS MATERIALS, INC.,

and

POUNDING MILL QUARRY CORPORATION,

Defendants.

CASE NO. 18-cv-1473-DLF

JUDGE: Dabney L. Friedrich

CERTIFICATE OF COMPLIANCE WITH PROVISIONS OF THE ANTITRUST PROCEDURES AND PENALTIES ACT

Plaintiff, United States of America, by the undersigned attorney, hereby certifies that, in compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16 (b)-(h) ("APPA"), the following procedures have been followed in preparation for the entry of the Final Judgment in this matter:

- 1. The Complaint, Competitive Impact Statement, proposed Final Judgment, and Hold Separate Stipulation and Order, by which the parties have agreed to the Court's entry of the Final Judgment following compliance with the APPA, were filed with the Court on June 22, 2018.
- 2. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and Competitive Impact Statement were published in the *Federal Register* on July 2, 2018. (*See* 83 Fed. Reg. 30956)

- 3. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment was published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, and the *Bluefield Daily Herald*, a newspaper of general circulation in southern West Virginia, for seven days beginning on July 2, 2018, and ending on July 10, 2018.
- 4. Pursuant to 15 U.S.C. § 16(b), copies of the proposed Final Judgment,
 Competitive Impact Statement, Complaint, and Hold Separate Stipulation and Order were
 furnished to all persons requesting them and made available on the Department of Justice,
 Antitrust Division's internet site.
- 5. As noted in the Competitive Impact Statement, there was one determinative material or document within the meaning of 15 U.S.C. § 16(b) that was considered by the United States in formulating the proposed Final Judgment. This document was made available to the public when filed as an exhibit to the United States' Explanation of Consent Decree Procedures, which was filed on June 22, 2018.
- 6. As required by 15 U.S.C. § 16(g), both Defendants filed with the Court descriptions of their written or oral communications by or on behalf of the Defendant, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment.²

The United States redacted competitively sensitive information from the version of the determinative document filed with the Court.

Defendants completed these filings, though they did so on August 27, 2018, rather than ten days after the proposed Final Judgment was filed, per 15 U.S.C. § 16(g).

- 7. The sixty-day comment period prescribed by 15 U.S.C. § 16(b) and (d) for the receipt and consideration of written comments, during which the proposed Final Judgment could not be entered, ended on September 10, 2018. The United States received one comment on the proposed Final Judgment. The United States filed the Response of Plaintiff United States to Public Comment on the Proposed Final Judgment ("Response to Comment") on November 16, 2018. The United States published the Response to Comment and the comment in the Federal Register on November 26, 2018. (*See* 83 Fed. Reg. 60446)
- 8. The parties have satisfied all the requirements of the APPA that were conditions for entering the proposed Final Judgment. The Court may now enter the Final Judgment if the Court determines that, pursuant to 15 U.S.C. § 16(e), entry of the Final Judgment is in the public interest.

Dated: November 27, 2018 Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA

/s

christine.hill@usdoj.gov

Christine A. Hill
Attorney
United States Department of Justice
Antitrust Division
Defense, Industrials, and Aerospace Section
450 Fifth Street, N.W., Suite 8700
Washington, D.C. 20530
(202) 305-2738