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13 **UNITED STATES DISTRICT COURT**
14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
15 **WESTERN DIVISION**

16
17 UNITED STATES OF AMERICA,

18
19 Plaintiff,

20 v.

21 DIRECTV GROUP HOLDINGS, LLC,
22 et al.,

23 Defendants.
24

Case No. 2:16-cv-08150-MWF-E

STIPULATION AND ORDER

Hon. Michael W. Fitzgerald

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1 **STIPULATION**

2 It his hereby stipulated and agreed by and between the undersigned parties,
3 subject to approval and entry by the Court, that:

4 1. The Court has jurisdiction over the subject matter of this action and over
5 each of the parties hereto, and venue of this action is proper in the United States
6 District Court for the Central District of California.

7 2. If approved by the Court, the proposed Final Judgment would fully resolve
8 the claims alleged in the United States' Complaint.

9 3. The parties stipulate that a Final Judgment in the form attached hereto as
10 Exhibit A may be filed with and entered by the Court, upon the motion of any party or
11 upon the Court's own motion, at any time after compliance with the Antitrust
12 Procedures and Penalties Act ("APPA"), 15 U.S.C. § 16, and without further notice to
13 any party or other proceedings, provided that the United States has not withdrawn its
14 consent, which it may do at any time before the entry of the proposed Final Judgment
15 by serving notice thereof on the Defendants and by filing that notice with the Court.

16 4. The Defendants agree to arrange, at their expense, publication of the
17 newspaper notices required by the APPA, which shall be drafted by the United States in
18 its sole discretion. The publication shall be arranged no later than three (3) business
19 days after the Defendants' receipt from the United States of the text of the notice and
20 the identity of the newspapers within which the publication shall be made. Defendants
21 shall promptly send to the United States (1) confirmation that publication of the
22 newspaper notices has been arranged, and (2) the certification of the publication
23 prepared by the newspaper within which the notice was published.

24 5. In the event that (1) the United States withdraws its consent or (2) the
25 proposed Final Judgment is not entered pursuant to this Stipulation, and the time has
26 expired for all appeals of any Court ruling declining entry of the proposed Final
27 Judgment, and the Court has not otherwise ordered continued compliance with the
28 terms and provisions of the proposed Final Judgment, then the parties are released from

1 all further obligations under this Stipulation and the making of this Stipulation shall be
2 without prejudice to any party in this or any other proceeding.

3 6. From the date the parties sign this Stipulation, Defendants shall abide by
4 and comply with all the terms and provisions of the proposed Final Judgment as though
5 the proposed Final Judgment were in full force and effect as an order of the Court,
6 pending the Judgment's entry by the Court or until expiration of time for all appeals of
7 any Court ruling declining entry of the proposed Final Judgment. In addition, the
8 United States shall have the full rights and enforcement powers in the proposed Final
9 Judgment as though the proposed Final Judgment were in full force and effect as an
10 order of the Court.

11 7. This Stipulation shall apply with equal force and effect to any amended
12 proposed Final Judgment agreed upon in writing by the parties and submitted to the
13 Court.

14 8. The Defendants represent that the actions they are required to perform
15 pursuant to the proposed Final Judgment can and will be performed, and that the
16 Defendants will later raise no claim of mistake, hardship, or difficulty of compliance as
17 grounds for asking the Court to modify any of the provisions contained therein.

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ATTESTATION

Pursuant to Local Rule 5-4.3.4(a)(2)(i), the filer attests that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing’s content and have authorized the filing.

Dated: March 23, 2017

By: /s/ Frederick S. Young
FREDERICK S. YOUNG
Attorney for Plaintiff
UNITED STATES OF AMERICA