



Department of Justice

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BERKSHIRE HATHAWAY TO PAY \$896,000 CIVIL PENALTY FOR VIOLATING ANTITRUST PREMERGER NOTIFICATION REQUIREMENTS

Violation Occurred When Berkshire Hathaway Acquired Voting Securities of USG Corporation

WASHINGTON – Berkshire Hathaway Inc. has agreed to pay an \$896,000 civil penalty to settle charges that it violated premerger reporting and waiting requirements when it acquired voting securities of USG Corp., the Department of Justice announced today.

The Justice Department's Antitrust Division, at the request of the Federal Trade Commission, filed a civil antitrust lawsuit today in U.S. District Court in Washington, D.C., against Berkshire Hathaway for violating the notification requirements of the Hart-Scott-Rodino (HSR) Act of 1976. At the same time, the department filed a proposed settlement that, if approved by the court, will settle the charges.

Berkshire Hathaway is a Delaware corporation with its headquarters in Omaha, Nebraska. As a result of its acquisition of USG voting securities in December 2013, Berkshire Hathaway held approximately 28 percent of USG voting securities, valued at more than \$950 million.

USG is a Delaware corporation with its headquarters in Chicago, Illinois.

The HSR Act of 1976, an amendment to the Clayton Act, imposes notification and waiting period requirements for transactions meeting certain size thresholds so that they can undergo premerger antitrust review.

Federal courts can assess civil penalties for premerger notification violations under the HSR Act in lawsuits brought by the Department of Justice. For a party in violation of the HSR Act the maximum civil penalty is \$16,000 a day.

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