

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA  
c/o Department of Justice  
Washington, D.C. 20530,

Plaintiff,

v.

BIGLARI HOLDINGS, INC.  
Suite 400  
17802 IH 10 West  
San Antonio, TX 78257

Defendant.

Civil Action No.

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

(1) the parties consent that the Court may file and enter a Final Judgment in the form attached to this Stipulation, on the Court's own motion or on the motion of any party at any time, and without further notice to any party or other proceedings, if Plaintiff has not withdrawn its consent, which it may do at any time before the entry of judgment by serving notice of its withdrawal on Defendant Biglari Holdings, Inc. and filing that notice with the Court;

(2) Defendant Biglari Holdings, Inc. waives any objection to venue or jurisdiction for purposes of this Final Judgment and authorizes Bilal K. Syyed of Kirkland & Ellis LLP to accept service of all process in this matter on his behalf; and

(3) in the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

**FOR THE DEFENDANT:**

Biglari Holdings, Inc.

By: 

Bilal K. Sayyed  
D.C. Bar # 977975  
Kirkland & Ellis LLP  
655 15th Street, N.W.  
Washington, DC 20005  
Counsel for Defendant Biglari Holdings, Inc.

Dated: 6/4/2012

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**FOR THE PLAINTIFF:**



J. Wayne



Richard Einstein

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA  
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Washington, D.C. 20530,  
Plaintiff,

v.

San An.onio, TX 78ngt Plaintiff,

Ordered, Adjudged, and Decreed as follows:

I.

The Court has jurisdiction of the subject matter of this action and of the Plaintiff and the Defendant. The Complaint states a claim upon which relief can be granted against the Defendant under Section 7A of the Clayton Act, 15 U.S.C. § 18a.

II.

Judgment is hereby entered in this matter in favor of Plaintiff United States of America and against Defendant, and, pursuant to Section 7A(g)(1) of the Clayton Act, 15 U.S.C. § 18a(g)(1), the Debt Collection Improvement Act of 1996, Pub. L. 104-134 1001(s) (amending the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461), and Federal Trade Commission Rule 1.98, 16 C.F.R. 98, 74 Fed. Reg. 857 (Jan. 9, 2009), Defendant Biglari Holdings, Inc. is hereby ordered to pay a civil penalty in the amount of eight hundred and fifty thousand dollars (\$850,000). Payment of the civil penalty ordered hereby shall be made by wire transfer of funds or cashier's check. If the payment is made by wire transfer, Defendant shall contact Janie Ingalls of the Antitrust Division's Antitrust Documents Group at (202) 514-2481 for instructions before making the transfer. If the payment is made by cashier's check, the check shall be made payable to the United States Department of Justice and delivered to:

Janie Ingalls  
United States Department of Justice  
Antitrust Division, Antitrust Documents Group  
450 5<sup>th</sup> Street, NW  
Suite 1024  
Washington, D.C. 20530

Defendant shall pay the full amount of the civil penalty within thirty (30) days of entry of this Final Judgment. In the event of a default or delay in payment, interest at the rate of eighteen (18) percent per annum shall accrue thereon from the date of the default or delay to the date of payment.

III.

Each party shall bear its own costs of this action.

IV.

Entry of this Final Judgment is in the public interest.

Dated: \_\_\_\_\_

\_\_\_\_\_  
United States District Judge