

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Plaintiff,

v.

THIRD POINT OFFSHORE FUND, LTD.

THIRD POINT ULTRA LTD.

THIRD POINT PARTNERS QUALIFIED
L.P.,

and

THIRD POINT LLC

Defendants

Civil Action No. 1:19-cv-02593CJN

MOTION AND MEMORANDUM OF THE UNITED STATES IN SUPPORT OF ENTRY
OF FINAL JUDGMENT

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b) (the "APPA"), plaintiff United States of America ("United States") moves for entry of the proposed Final Judgment filed on August 28, 2019 (Document 1-3). The proposed Final Judgment may be entered at this time without further proceedings if the Court determines that entry is in the public interest. 15 U.S.C. § 16(e). The Competitive Impact Statement ("CIS") filed by the United States on August 28, 2019 (Document 1-4), explains why entry of the proposed Final Judgment is in the public interest. The United States is filing simultaneously with this Motion and Memorandum a Certificate of Compliance (attached as Exhibit 1) setting forth the steps taken by the parties to comply with the applicable provisions of the APPA and certifying that the sixty

proposed Final Judgment. The terms of the proposed Final Judgment are designed to deter Defendants' future HSR Act violations.

whether the proposed Final Judgment “is in the public interest.” 15 U.S.C. § 16(e)(1). In making that determination, the Court shall consider:

(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination ~~whether~~ the consent judgment is in the public interest; and

(B) the impact of ~~ent~~ of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. § 16(e)(1)(A) ~~(B)~~. In the CIS filed with the Court on August 28, 2019, the United States explained the meaning and proper application of the public interest standard under the APPA and now incorporates those portions of the CIS ~~reference~~.

IV. CONCLUSION

For the reasons set forth in this Motion and Memorandum and the CIS, the Court should find that the proposed Final Judgment is in the public interest and should enter the proposed Final Judgment without further proceedings. ~~The~~ ~~United~~ States respectfully requests that the Final Judgment, attached hereto ~~as~~ Exhibit 2, be entered ~~at~~ this time.

Dated: November 26, 2019

Respectfully Submitted,

/s/ Kenneth A. Libby
Kenneth A. Libby
Special Attorney