

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.

LEUCADIA NATIONAL CORPORATION
520 Madison Avenue
New York, NY 10022

Defendant.

Civil Action No.

PLAINTIFF'S MOTION FOR ENTRY OF FINAL JUDGMENT

Plaintiff, the United States of America, having filed its Complaint in the above-captioned case, and having filed on this date a Stipulation and proposed Final Judgment, hereby moves this Court for entry of a Final Judgment against defendant Leucadia National Corporation. By agreement of the parties, the Final Judgment provides for the payment of a civil penalty of \$240,000 by defendant Leucadia National Corporation pursuant to Section 7A(g)(1) of the Clayton Act, 15 U.S.C. § 18a(g)(1).

STATEMENT OF POINTS AND AUTHORITIES

The Complaint in this action alleges that the defendant violated Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 ("HSR Act" or "Act"), Section 7A of the Clayton Act, 15 U.S.C. § 18a, which requires certain acquiring persons and certain persons whose voting securities or assets are to be acquired to file notification with the Department of Justice and the

Federal Trade Commission (“the antitrust enforcement agencies”) and to observe a waiting period before consummating certain acquisitions of voting securities or assets. The Complaint alleges that the defendant Leucadia National Corporation was in continuous violation of the HSR Act during the period beginning on July 1, 2013, and ending on October 20, 2014, when the waiting period expired. Under section (g)(1) of the Act, 15 U.S.C. § 18a(g)(1), the United States may recover a civil penalty for violations of the Act of up to \$16,000 per day of the violation.¹ Accordingly, the Complaint seeks “an appropriate civil penalty.” As the Stipulation and proposed Final Judgment state, the defendant has agreed to pay a civil penalty of \$240,000 within thirty days of entry of the Final Judgment.

The HSR Act provides the antitrust enforcement agencies with important tools that enable them to investigate acquisitions of voting securities or assets exceeding the Act’s size thresholds before they occur. Compliance with the HSR Act furthers the public interest in effective antitrust

judgment submitted by the United States in a civil case filed under the antitrust laws be filed with the court at least sixty days in advance of its effective date, published in the Federal Register and a newspaper for public comment, and reviewed by the court for the purpose of determining whether it is in the public interest. Key features of the APPA are preparation by the United States of a competitive impact statement explaining the proceeding and the proposed judgment, and the consideration by the court of the proposed judgment's competitive impact and its impact on the public generally as well as individuals alleging specific injury from the violation set forth in the complaint.

Because the Complaint seeks, and the proposed Final Judgment provides for, only the payment of civil penalties, the procedures of the APPA are not required in this action.² A

Dated: September 22, 2015

Respectfully Submitted,

/s/