

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)	
)	
and)	Civil Action No.
)	12-cv-8989 (ALC) (GWG)
STATE OF NEW YORK,)	
)	
<i>Plaintiffs,</i>)	
v.)	
)	
TWIN AMERICA, LLC, et al.)	ECF CASE
)	
<i>Defendants.</i>)	
)	

UNITED STATES’ EXPLANATION OF CONSENT DECREE PROCEDURES

The United States submits this short memorandum summarizing the procedures regarding the Court’s entry of the proposed Final Judgment. This Judgment would settle this case pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (the “APPA”), which applies to civil antitrust cases brought and settled by the United States.

1. On December 11, 2012, the United States and the State of New York (collectively, “Plaintiffs”) filed a Complaint in this matter. Today, Plaintiffs have filed a proposed Final Judgment, a Stipulation and Order Regarding Proposed Final Judgment, and a Competitive Impact Statement. The parties have agreed that the Court may enter the proposed Final Judgment after the United States has complied with the APPA.

2. The Stipulation and Order Regarding Proposed Final Judgment is a document that has been agreed to by the Plaintiffs and the Defendants. The Parties ask that the Court sign this Order, which ensures that the Defendants comply with the provisions of the proposed Final

Judgment and maintain the CitySights bus stop authorizations until the divestitures required by the Proposed Final Judgment have been accomplished.

3. The parties have also reached a settlement relating to costs and fees incurred by the United States associated with discovery into allegations that Defendant Coach did not meet its document preservation obligations. A Stipulation and Order of Settlement of Discovery Issues was also filed today. The Parties ask that the Court sign this Order. This settlement agreement is not subject to the APPA.

4. The APPA requires that the United States publish the proposed Final Judgment and the Competitive Impact Statement in the *Federal Register* and cause to be published a summary of the terms of the proposed Final Judgment and the Competitive Impact Statement in certain newspapers at least sixty (60) days prior to entry of the proposed Final Judgment. Defendants in this matter have agreed to arrange and bear the costs for the newspaper notices. The notices will inform members of the public that they may submit comments about the proposed Final Judgment to the United States Department of Justice, Antitrust Division, 15 U.S.C. § 16(b)-(c).

5. During the sixty-day period, the United States will consider, and at the close of that period respond to, any comments that it has received, and it will publish the comments and the United States' responses in the Federal Register.

6. After the expiration of the sixty-day period, the United States will file with the Court the comments and the United States' responses, and it may ask the Court to enter the proposed Final Judgment (unless the United States has decided to withdraw its consent to entry of the Final Judgment, as permitted by Section IV.A of the Stipulation and Order, *see* 15 U.S.C. § 16(d)).

7. If the United States requests that the Court enter the proposed Final Judgment after compliance with the APPA, 15 U.S.C. § 16(e)-(f), then the Court may enter the Final Judgment without a hearing, provided that it concludes that the Final Judgment is in the public interest.

Dated: March 16, 2015

Respectfully submitted,

/s
Sarah Wagner
U.S. Department of Justice
Antitrust Division
450 Fifth Street, N.W., Suite 8000
Washington, DC 20530
Telephone: (202) 305-8915
Sarah.Wagner@usdoj.gov
Attorney for Plaintiff United States