

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FEDERAL TRADE COMMISSION  
600 Pennsylvania, Avenue, N.W.  
Washington, DC 20580

Plaintiff,

v.

Civil Action No. \_\_\_\_\_

ARDAGH GROUP S.A.  
56, rue Charles Martel,  
Luxembourg  
L-2135

and

COMPAGNIE DE SAINT-GOBAIN  
"Les Miroirs" 18, avenue d'Alsace  
92400 Courbevoie  
France

and

SAINT-GOBAIN CONTAINERS, INC.  
1509 S. Macedonia Avenue  
Muncie, Indiana 47307

Defendants.

**[PROPOSED] PRELIMINARY INJUNCTION ORDER**

This matter comes before the Court on the Federal Trade Commission's (the "Commission") motion for a preliminary injunction.

Upon consideration of the plaintiff's pleadings, memoranda, declarations, and other exhibits filed in support of said motion, and of the papers filed in opposition thereto, and following a hearing on the motion, the Court finds as follows:

- (1) in the absence of preliminary relief, defendant Ardagh Group S.A. ("Ardagh") will be able to consummate its acquisition of Defendant Saint-Gobain Containers, Inc. ("Saint-Gobain") from Defendant Compagnie de Saint-Gobain;
  - (2) entry of a preliminary injunction is in the public interest and is appropriate and necessary to maintain the status quo pending the completion of administrative litigation;
  - (3) if adequate relief is not granted, plaintiff and the public interest will be irreparably injured because the Commission will be deprived of its ability to order effective relief should the acquisition ultimately be found to violate the antitrust laws or the Federal Trade Commission Act;
  - (4) defendants will not be substantially injured by the relief afforded by this Order;
- and
- (5) plaintiff has made a sufficient showing of a likelihood of success on the merits of its complaint to warrant the relief afforded by this Order;

NOW THEREFORE IT IS ORDERED that plaintiff's motion for a preliminary injunction be, and hereby is, granted in its entirety; and

IT IS FURTHER ORDERED that defendant Ardagh and any parent, affiliate, subsidiary, or division thereof are hereby enjoined and restrained, pursuant to Section 13(b) of the Federal Trade Commission Act, 15 U.S.C. § 53(b), from acquiring any stock, assets, or other interest of Defendant Saint-Gobain from Defendant Compagnie de Saint-Gobain; and

IT IS FURTHER ORDERED that defendants take any and all necessary steps to prevent any of their domestic or foreign agents, divisions, subsidiaries, affiliates, partnerships, and joint ventures from completing such acquisition, and from taking any steps or actions in furtherance thereof; and

IT IS FURTHER ORDERED that defendants are directed to maintain the status quo until either: (1) the completion of all legal proceedings by the Commission challenging the Acquisition, including all appeals, or (2) further order of the Court, including upon the request of the Commission before completion of such legal proceedings.

ISSUED this \_\_\_\_\_ day of \_\_\_\_\_, 2013, at \_\_\_\_\_ a.m./p.m.

ORDERED:

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

**NAMES OF PERSONS TO BE SERVED WITH ORDER**

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Saint-Gobain Containers, Inc.*