

**IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FEDERAL TRADE COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 08-2043 (RMC)
)	
CCC HOLDINGS, INC.)	
)	
and)	
)	
AURORA EQUITY PARTNERS III L.P.)	
)	
Defendants.)	

RESPONSE TO ORDER TO SHOW CAUSE

Because a judge’s decision is a final decision in a § 13(b) matter, and because the defendants have abandoned the deal, we see no reason why this court should not close this matter administratively. As stated in *FTC v. Food Town Stores, Inc.*:

It is at once obvious that in a proceeding under § 13, the granting or denial of a temporary restraining order or a preliminary injunction is an end unto itself. The district court is not authorized to determine whether the antitrust laws have been or are about to be violated. That adjudicatory function is vested in F.T.C. in the first instance. The only purpose of a proceeding under § 13 is to preserve the *status quo* until F.T.C. can perform its function.

Viewed in this light, the conclusion follows that the district court’s denial of a T.R.O. effectively terminated the litigation and constituted a final order which is appealable under 28 U.S.C. § 1291.

539 F.2d 1339, 1342 (4th Cir. 1976); *see also Commonwealth v. Tenneco, Inc.*, 538 F.2d 1026

(4th Cir. 1976) (Order for TRO was a final order when that was all that was sought).

Thus, we have no objection to this court closing this case administratively.

By: /s/ J. Robert Robertson
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April 8, 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of April, 2009, I served the foregoing Response on the following counsel via electronic mail.

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