



# Department of Justice

FOR IMMEDIATE RELEASE  
TUESDAY, MARCH 30, 1999  
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**NEW YORK MERCHANT BANKING FUND TO PAY \$2,785,000 PENALTY  
FOR VIOLATING ANTITRUST PREMERGER NOTIFICATION REQUIREMENTS**

WASHINGTON, D.C.-- A New York merchant banking fund and one of its general partners has agreed to pay \$2,785,000 to settle charges that the company failed to produce a key document for federal antitrust authorities before undertaking an acquisition subject to premerger review, the Department of Justice announced today.

The Department of Justice's Antitrust Division, at the request of the Federal Trade Commission, filed a civil lawsuit today in U.S. District Court in Washington, D.C. against Blackstone Capital Partners II Merchant Banking Fund L.P., for violating the Hart-Scott-Rodino Act of 1976. At the same time, the Department filed a proposed settlement, that if approved by the court, will settle the charges.

According to the complaint, Blackstone violated premerger notification requirements when it acquired more than \$15 million in voting securities from Prime Succession Inc., an Indiana-based owner and operator of funeral homes and cemeteries. The civil penalty that Blackstone has agreed to pay is the maximum allowed by law.

The complaint also alleges that Howard Lipson, a Blackstone executive, certified that Blackstone's premerger filing was "to the best of [his] knowledge, true, correct, and complete" when he knew or should have known that it was not. Mr. Lipson has agreed to pay a \$50,000 civil penalty.

The Hart-Scott-Rodino Act of 1976 imposes notification and waiting period requirements on individuals and companies over a certain size before they can consummate acquisitions of stock or assets over a certain value or ownership percentage.

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