

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANHEUSER BUSCH InBEV SA/NV, and
SABMILLER plc,

Defendants.

Civil Action No.

**UNITED STATES' EXPLANATION OF
CONSENT DECREE PROCEDURES**

Plaintiff United States of America submits this short memorandum summarizing the procedures for entry of the proposed Final Judgment as set forth by the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (the "APPA"), which applies in civil antitrust cases brought by the United States. As described below, the APPA provides that certain events must occur prior to the Court signing and entering the proposed Final Judgment to resolve this case.

1. Today, the United States has filed a Complaint, a proposed Final Judgment, and attached to this Explanation of Consent Decree Procedures, a Hold Separate Stipulation and Order between the parties by which they have agreed that the Court may enter the proposed Final Judgment after the United States has complied with the APPA. The United States has also filed a Competitive Impact Statement relating to the proposed Final Judgment.

2. The Hold Separate Stipulation and Order is a document that has been agreed to by both the United States and the Defendants. The United States and the Defendants ask that the

Court sign this Order, which ensures that the Defendants preserve competition by complying with the provisions of the proposed Final Judgment and by maintaining the assets to be divested pursuant to the proposed Final Judgment during the pendency of the proceedings required by the APPA. *See* 15 U.S.C. § 16(b)-(h).

3. 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 notice 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).

4. 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*.

5. 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 II of the Hold Separate Stipulation and Order, *see* 15 U.S.C. § 16(d)).

6. 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: July 20, 2016

Respectfully submitted,

FOR PLAINTIFF
UNITED STATES OF AMERICA

A handwritten signature in black ink, reading "Michelle R. Seltzer", with a long, sweeping flourish extending to the right.

Michelle R. Seltzer (D.C. Bar # 475482)

Assistant Chief

Antitrust Division

U.S. Department of Justice

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