

EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Plaintiff,

v.

BIGLARI HOLDINGS INC.

Defendant.

Civil Action No. 1:21-cv-03331-TSC

**CERTIFICATE OF COMPLIANCE WITH PROVISIONS
OF THE ANTITRUST PROCEDURES AND PENALTIES ACT**

The United States of America hereby certifies that it has complied with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b) and states:

1. The United States filed the Complaint, Stipulation and Order, proposed Final Judgment, and Competitive Impact Statement on December 22, 2021.
2. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and Competitive Impact Statement were published in the *Federal Register* on January 5, 2022, *see* 87 Fed. Reg. 484 (2022), and copies of the proposed Final Judgment and Competitive Impact Statement were furnished to all persons requesting them and made available on the Department of Justice, Antitrust Division's website.
3. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment was published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, for seven days, beginning on December 31, 2021, and ending on January 6, 2022.

4. No determinative materials or documents within the meaning of 15 U.S.C. § 16(b) were considered by the United States in formulating the proposed Final Judgment, so none were furnished to any person pursuant to 15 U.S.C. § 16(b) or listed pursuant to 15 U.S.C. § 16(c).

5. As required by 15 U.S.C. § 16(g), on December 29, 2021, Defendant filed with the Court a description of written or oral communications by or on behalf of Defendant, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment.

6. The 60-day comment period specified in 15 U.S.C. § 16(b) commenced on January 7, 2022 and ended on March 7, 2022.

7. The United States received and responded to one comment concerning the proposed Final Judgment. The comment and the United States' response were filed with the Court on April 29, 2022. Pursuant to 15 U.S.C. § 16(d), the comment and the United States' response were published in the *Federal Register* on May 5, 2022, *see* 87 Fed. Reg. 26787 (2022).

8. The parties have therefore satisfied all the requirements of the APPA that were conditions for entering the proposed Final Judgment. Pursuant to the Stipulation and Order filed on December 22, 2021 and 15 U.S.C. § 16(e), the Court may enter the Final Judgment after it determines that the proposed Final Judgment serves the public interest.

9. The United States' Competitive Impact Statement and Response to Public Comment on the Proposed Final Judgment demonstrate that the proposed Final Judgment satisfies the public interest standard of 15 U.S.C. § 16(e).

11. Pursuant to the Stipulation and Order signed June 16, 2021, Defendant stipulated that the proposed Final Judgment could be filed with and entered by the Court as the Final Judgment upon the motion of the United States or upon the Court's own motion, at any time after

compliance with the requirements of the APPA, and without further notice to any party or other proceeding, provided the United States has not withdrawn its consent.

12. The United States requests that the Court enter the Final Judgment without further proceedings or hearings.

Dated: May 9, 2022

Respectfully Submitted,

/s/ Kenneth A. Libby
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UNITED STATES OF AMERICA