

ORIGINAL

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**



In the Matter of)

Ardagh Group S.A.,)
a public limited liability company, and)

Saint-Gobain Containers, Inc.,)
a corporation, and)

Compagnie de Saint-Gobain,)
a corporation,)
Respondents.)

DOCKET NO. 9356

**ORDER GRANTING RESPONDENT'S
APPLICATION FOR SETTLEMENT CONFERENCE**

On September 27, 2013, Respondent Ardagh Group S.A. ("Respondent" or "Ardagh") filed an Application under Rule 3.25(a) for an in-person settlement conference ("Application"). Complaint Counsel filed a response to the Application on September 27, 2013 ("Response"). On September 30, 2013, Ardagh filed a Supplementary Memorandum in Support of the Application ("Supplemental Application"). Also on September 30, 2013, the Commission ordered that, in the event that a lapse in appropriations results in a shutdown of most Commission operations, this proceeding would be stayed for the duration of the shutdown and for an additional five business days thereafter.

In its Application, Ardagh states that since the filing of the Complaint in this case, and the filing of the related Federal Court injunction proceeding,¹ the parties have been diligently and in good faith trying to settle the matter and have exchanged a number of divestiture proposals. In its Response, Complaint Counsel states that it does not oppose a settlement conference, but that it believes that a settlement conference is not likely to materially increase the likelihood of settlement. Ardagh's Supplemental Application reiterates its willingness to negotiate a settlement that satisfies the Commission's concerns, and asserts that time is of the essence. Ardagh maintains that supervised settlement negotiations under Rule 3.25(a) will facilitate a settlement.

In accordance with the September 30, 2013 Commission Order and due to the partial shutdown of the federal government from October 1-16, 2013, this proceeding was stayed.

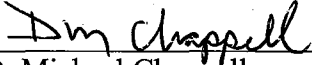
¹ See *FTC v. Ardagh, S.A.*, No. 1:13cv1021 (D.D.C.) filed July 3, 2013.

Following resumption of this case, in response to a status request, Ardagh stated that it continues to believe that a settlement conference would materially facilitate settlement in this matter, whereas Complaint Counsel reiterated it would be premature to involve the ALJ in settlement discussions at this stage, although it does not oppose such a settlement conference.

Rule 3.25(a) of the Commission's Rules of Practice provides: "The Administrative Law Judge may, in his or her discretion and without suspension of prehearing procedures, hold conferences for the purpose of supervising negotiations for the settlement of the case, in whole or in part, by way of consent agreement." 16 C.F.R. § 3.25(a). Rule 3.21 of the Commission's Rules of Practice further provides that the Administrative Law Judge may hold in-person prehearing conferences and has discretion as to whether such conferences are closed to the public. 16 C.F.R. § 3.21(f), (g).

Respondent's Application for an in-person settlement conference is GRANTED. The conference will be closed to the public and will be held on a date to be determined after coordination with the parties.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: October 22, 2013