

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **William E. Kovacic, Chairman**
 Pamela Jones Harbour
 Jon Leibowitz
 J. Thomas Rosch

In the Matter of)	
)	
CRH plc,)	
a corporation,)	
)	
Oldcastle, Inc.,)	Docket No. 9335
a corporation,)	
)	
Oldcastle Architectural, Inc.,)	
a corporation,)	
)	
Robert Schlegel,)	
an individual,)	
)	
and)	
)	
Pavestone Company, LP,)	
a limited partnership.)	
)	

ORDER DISMISSING COMPLAINT

On January 14, 2009, the Federal Trade Commission issued the Administrative Complaint in this matter, having reason to believe that Respondents CRH plc (“CRH”), Oldcastle, Inc. (wholly owned by CRH), and Oldcastle Architectural, Inc. (an indirect subsidiary of CRH) -- and Robert Schlegel and Pavestone Company, LP (collectively, “Pavestone”) -- had entered into an acquisition agreement which, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45. Complaint Counsel and the Respondents have now filed a Joint Motion to Dismiss Complaint, which states that the Respondents have decided not to proceed with the proposed acquisition by Oldcastle Architectural, Inc. of the Pavestone companies -- and that CRH has withdrawn its Hart-Scott-Rodino Notification and Report Forms filed for the proposed transaction -- and requests that the Commission dismiss the complaint.¹

¹ *Joint Motion to Dismiss Complaint* (January 15, 2009) (“Joint Motion”), available on the Adjudicative Proceedings page for this case at <http://www.ftc.gov/os/adipro/d9335/index.shtm>.

The Commission has determined to dismiss the Administrative Complaint without prejudice as the most important elements of the relief set out in the Notice of Contemplated Relief in the Administrative Complaint have been accomplished without the need for further administrative litigation.² In particular, the Respondents have announced that they have decided not to proceed with the proposed acquisition, and CRH has withdrawn its Hart-Scott-Rodino Notification and Report Forms filed for the proposed transaction. As a consequence, the Respondents would not be able to effect the proposed transaction without filing new Hart-Scott-Rodino Notification and Report Forms.

For the foregoing reasons, the Commission has determined that the public interest warrants dismissal of the Administrative Complaint in this matter. The Commission has determined to do so without prejudice, however, because it is not reaching a decision on the merits. Accordingly,

IT IS ORDERED THAT the Administrative Complaint in this matter be, and it hereby is, dismissed without prejudice.

By the Commission.

Donald S. Clark
Secretary

ISSUED: January 29, 2009

² See *In the Matter of Inova Health System Foundation, and Prince William Health System, Inc.*, Docket No. 9326, Order Dismissing Complaint (June 17, 2008), available at <http://www.ftc.gov/os/adjpro/d9326/080617orderdismisscmpt.pdf>; accord, *In the Matter of Red Sky Holdings LP, and Newpark Resources, Inc.*, Docket No. 9333, Order Dismissing Complaint (December 10, 2008), available at <http://www.ftc.gov/os/adjpro/d9333/081210redskycmpt.pdf>; *In the Matter of Equitable Resources, Inc., Dominion Resources, Inc., Consolidated Natural Gas Company, and The Peoples Natural Gas Company*, Docket No. 9322, Order Dismissing Complaint (January 31, 2008) (Public Version), available at <http://www.ftc.gov/os/adjpro/d9322/080204complaint.pdf>; *In the Matter of Swedish Match North America Inc., and National Tobacco Company, L.P.*, Docket No. 9296 (Swedish Match), Order Dismissing Complaint (January 4, 2001), available at <http://www.ftc.gov/os/2001/01/swedishdismisscmp.htm>; *In the Matter of H.J. Heinz Company, Milnot Holding Corporation, and Madison Dearborn Capital Partners, L.P.*, Docket No. 9295 (H.J. Heinz), Order Dismissing Complaint (December 4, 2001), available at <http://www.ftc.gov/os/2001/12/heinzorder.pdf>.