

**ORIGINAL**

**PUBLIC**

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



In the Matter of

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

Compagnie de Saint-Gobain, a corporation,  
and

Saint-Gobain Containers, Inc.,  
a corporation.

**PUBLIC**

DOCKET NO. 9356

**COMPLAINT COUNSEL'S REQUESTS FOR ADMISSIONS  
TO RESPONDENT ARDAGH GROUP S.A.**

Pursuant to the Federal Trade Commission's Rules of Practice, 16 C.F.R. § 3.32, and the Definitions and Instructions set forth below, Complaint Counsel hereby requests that Respondent Ardagh Group S.A. admit within ten (10) days the following:

1. Admit that all of the top 25 U.S. craft brewers (based on 2012 beer sales volume) package their beer in glass containers.
2. Admit that, from 2008 to 2013, the Company has bid to supply (through an informal or formal bid), either directly or through a distributor, glass containers to a craft brewer located in California.
3. Admit that, from 2008 to 2013, the Company has bid to supply (through an informal or formal bid), either directly or through a distributor, glass containers to a craft brewer located in Washington.
4. Admit that, from 2008 to 2013, the Company has bid to supply (through an informal or formal bid), either directly or through a distributor, glass containers to a craft brewer located in Oregon.
5. Admit that, in 2005, more than {        } of the gross output, measured by unit sales, from the Company's plant in Shakopee, Minnesota was beer bottles.
6. Admit that, in 2006, less than {        } of the gross output, measured by unit sales, from the Company's plant in Shakopee, Minnesota was beer bottles.

7. Admit that, in 2005, more than { } of the gross output, measured by unit sales, from the Company's plant in Elmira, New York was beer bottles.
8. Admit that, in 2006, less than { } of the gross output, measured by unit sales, from the Company's plant in Elmira New York was beer bottles.
9. Admit that the Company bid to supply { }, either directly or through a distributor, from the Company's plant in Warner Robbins, Georgia in 2012.
10. Admit that craft beer bottles and mass beer bottles can be manufactured in the same plant.
11. Admit that craft beer bottles and mass beer bottles can be manufactured using the same furnace and same individual setting machine.
12. Admit that the Company bid to supply (through an informal or formal bid) { } in 2009.
13. Admit that the Company bid to supply (through an informal or formal bid) { } in 2012.
14. Admit that the Company bid to supply (through an informal or formal bid) { } in 2013.
15. Admit that the Company bid to supply (through an informal or formal bid), either directly or through a distributor, { } in 2011.
16. Admit that the Company bid to supply (through an informal or formal bid), either directly or through a distributor, { } in 2012.
17. Admit that the Company bid to supply (through an informal or formal bid), either directly or through a distributor, { } in 2013.
18. Admit that the Company bid to supply (through an informal or formal bid), either directly or through a distributor, { } in 2010.
19. Admit that the Company bid to supply (through an informal or formal bid), either directly or through a distributor, { } in 2012.
20. Admit that the Company bid to supply (through an informal or formal bid), either directly or through a distributor, { } in 2012.
21. Admit that the Company bid to supply (through an informal or formal bid), either directly or through a distributor, { } in 2012.
22. Admit that the Company bid to supply (through an informal or formal bid), either directly or through a distributor, { } in 2009.

23. Admit that the capital investment needed to construct a new glass container manufacturing facility in the U.S. is at least \$150-\$200 million.

## DEFINITIONS

1. The terms “Ardagh Group S.A.,” “the Company,” “you,” or “your” mean Ardagh Group S.A., its domestic and foreign parents, predecessors, divisions, subsidiaries, affiliates, partnerships, and joint ventures, and all directors, officers, employees, agents, and representatives of the foregoing. The terms “subsidiary,” “affiliate,” and “joint venture” refer to any person in which there is partial (i.e., 25 percent or more) or total ownership or control between the Company and any other person.
2. The terms “craft beer,” “craft brewery,” and “mass beer” have the same meaning as used in the Expert Report of Dr. Chetan Sanghvi filed in Federal Trade Commission v. Ardagh Group S.A., Civil Action No. 1:13-cv-01021 (RMC) filed in District Court for the District of Columbia on September 4, 2013.

## INSTRUCTIONS

1. Provide separate and complete sworn written responses for each Request for Admission (“Request”).
2. Your answers to any Request must include all information within your possession, custody, or control, including information reasonably available to you and your agents, attorneys, or representatives. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you state that you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny the matter.
3. A Request will be deemed admitted unless, within ten days of service of this request, you serve a sworn written answer to the Request.
4. Your answer should specifically admit or deny the Request or set forth in detail the reasons why you cannot truthfully admit or deny it after exercising due diligence to secure the information necessary to make a full and complete answer, including a description of all efforts you made to obtain the information necessary to answer the Request fully.
5. If you object to a portion or an aspect of any Request, state the grounds for your objection with specificity and respond to the remainder of the Request.
6. When good faith requires that you qualify your answer or deny only a part of the matter of which an admission is requested, specify so much of it as is true and qualify or deny the remainder.

7. If you consider that a matter of which an admission has been requested presents a genuine issue for trial, you may not, on that ground alone, object to the request; instead, you must deny the matter or set forth reasons why you cannot admit or deny it.
8. Answer each Request fully and completely based on the information and knowledge currently available to you, regardless of whether you intend to supplement your response upon the completion of discovery.
9. If in answering any Request you claim ambiguity in either the Request or any applicable definition or instruction, identify in your response the language you consider ambiguous and state the interpretation you are using in responding.
10. Each Request is continuing in nature and requires prompt amendment of any prior response if you learn, after acquiring additional information or otherwise, that the response is in some material respect incomplete or incorrect. *See* 16 C.F.R. § 3.31(e).
11. If you object to any Request or any portion of any Request on the ground that it requests information that is privileged (including the attorney-client privilege) or falls within the attorney work product doctrine, state the nature of the privilege or doctrine you claim and provide all other information as required by 16 C.F.R. § 3.38A.
12. Whenever a Request is stated in the conjunctive, it shall also be taken in the disjunctive, and vice versa.
13. Whenever a Request is stated in the singular, it shall also be taken in the plural, and vice versa.
14. Estimated dates should be given when, but only when, exact dates cannot be supplied. Any estimates should be identified as such.

September 12, 2013

Respectfully submitted,

s/ Edward D. Hassi

EDWARD D. HASSI  
Chief Litigation Counsel  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Ave., NW  
Washington, DC 20580  
Telephone: (202) 326-2470  
Facsimile: (202) 326-2884  
Email: ehassi@ftc.gov

*Attorney for Complaint Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 12, 2013, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

Donald S. Clark  
Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-113  
Washington, DC 20580

I also certify that I delivered via electronic mail and hand delivery a copy of the foregoing document to:

The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-110  
Washington, DC 20580

I further certify that I delivered via electronic mail a copy of the foregoing document to:

Alan Goudiss  
Dale Collins  
Richard Schwed  
Lisl Dunlop  
Shearman & Sterling LLP  
599 Lexington Avenue  
New York, NY 10022  
(202) 848-4906  
agoudiss@shearman.com  
wcollins@shearman.com  
rschwed@shearman.com  
ldunlop@shearman.com

*Counsel for Respondent Ardagh Group S.A.*

Christine Varney  
Yonatan Even  
Athena Cheng  
Cravath, Swaine & Moore LLP  
825 Eighth Avenue  
New York, NY 10019  
(212) 474-1140  
cvarney@cravath.com  
yeven@cravath.com  
acheng@cravath.com

*Counsel for Respondent Saint-Gobain Containers, Inc.*

**CERTIFICATE FOR ELECTRONIC FILING**

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

September 12, 2013

By: s/ Angelike Mina  
Attorney