

ORIGINAL

PUBLIC

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



In the Matter of

ARDAGH GROUP, S.A.
a public limited liability company,

SAINT-GOBAIN CONTAINERS, INC.
a corporation,

and

COMPAGNIE DE SAINT-GOBAIN,
a corporation.

PUBLIC

DOCKET NO. 9356

JOINT MOTION TO WITHDRAW MATTER FROM ADJUDICATION

Pursuant to Rule 3.25(b) of the Rules of Practice of the Federal Trade Commission (“FTC Rules”), 16 C.F.R. § 3.25(b), Complaint Counsel and the Respondents (collectively, “the Parties”) jointly move to withdraw Docket No. 9356 from adjudication for the purpose of considering the attached Consent Proposal, and further move, pursuant to Rule 3.25(c) of the FTC Rules, that the Administrative Law Judge certify the motion and Consent Proposal to the Commission. Absent withdrawal of this matter from adjudication, the administrative hearing is scheduled to begin on March 18, 2014, pursuant to the Commission’s order issued on December 18, 2013.

The attached Consent Proposal consists of the following draft documents: (1) Agreement Containing Consent Orders; (2) Decision and Order; and (3) Order to Hold Separate and Maintain Assets; together the “Consent Proposal.” The parties have reviewed and agreed to the terms of the Consent Proposal subject to Commission review and approval. The Parties

represent that the attached Consent Proposal details the agreed-upon material terms of a settlement proposal and that there exists a “reasonable possibility of settlement” in accordance with Rule 3.25(c). Thus, the Parties request that this matter be stayed and removed from adjudication for thirty (30) days to finalize the terms of a proposed Consent Agreement.

Dated March 10, 2014

Respectfully Submitted,

s/ Edward D. Hassi

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s/ Yonatan Even

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de Saint-Gobain and Saint-Gobain
Containers, Inc.*

CONSENT PROPOSAL

CONFIDENTIAL

REDACTED IN ENTIRETY

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
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**[PROPOSED] ORDER GRANTING JOINT MOTION FOR
CERTIFICATION TO THE COMMISSION**

Upon due consideration of Complaint Counsel and Respondents' Joint Motion to certify to the Commission their Joint Motion to Withdraw the Matter from Adjudication, and upon finding a reasonable possibility of settlement, it is hereby ORDERED that, pursuant to Rule 3.25(c) of the Commission's Rule of Practice, Complaint Counsel and Respondents' Motion to Withdraw Matter from Adjudication is certified to the Commission.

D. Michael Chappell
Chief Administrative Law Judge

Dated: March __, 2014

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman
Julie Brill
Maureen K. Ohlhausen
Joshua D. Wright

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**[PROPOSED] ORDER WITHDRAWING MATTER FROM ADJUDICATION
FOR THE PURPOSE OF CONSIDERING A CONSENT PROPOSAL**

Complaint Counsel and Respondents, having jointly moved that this matter be withdrawn from adjudication because there is a reasonable possibility of a settlement, and the Commission having been satisfied that there is a likelihood of settlement in its entirety;

IT IS ORDERED, pursuant to Rule 3.25(c) of the Commission Rules of Practice, 16 C.F.R. § 3.25(c), that this matter in its entirety is hereby withdrawn from adjudication and that all proceedings before the Administrative Law Judge are hereby stayed for thirty (30) days pending a determination by the Commission with respect to the Consent Proposal;

IT IS FURTHER ORDERED, pursuant to Rule 3.25(b) of the Commission's Rules of Practice, that the Consent Proposal shall not be placed on the public record unless and until it is accepted by the Commission.

By the Commission.

Donald S. Clark
Secretary

Dated:

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2014, 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:

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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.

March 10, 2014

By: s/ Edward D. Hassi
Attorney