



## STATEMENT OF RELATED CASE

Plaintiff State of New York, pursuant to Rule 15 of this Court's Rules for the Division of Business among District Judges, states as follows:

1. The antitrust action, Hold Separate Stipulation and Order and proposed Final Judgment (or "consent decree") filed herewith and captioned above is closely related to a case currently pending before Hon. Jed S. Rakoff, United States v. Suburban Carting Corporation, et al., S1 96 Cr. 466 (JSR).

2. In United States v. Suburban Carting Corporation, this Court already has continuing jurisdiction over the affairs of Suburban Carting Corporation and certain related defendants herein by virtue, among other things, of the Stipulated Monitor Agreement ("Monitor Agreement") ordered by Judge Rakoff on September 30, 1997. The Monitor Agreement, importantly, is intended to ensure that Suburban Carting Corporation "comply with all federal, state and local laws..." i.e., including both civil and criminal laws. See ¶ 5 of Monitor Agreement.

3. As our complaint in the instant action alleges, Suburban Carting Corporation and related entities (the "Suburban Companies") have entered into an understanding with Allied Waste Industries, Inc. ("Allied") under which Allied would acquire the Suburban Companies. However, the Monitor Agreement contemplates that the Suburban Companies not be sold without the prior approval of the Court-appointed Monitor in United States v. Suburban Carting Corporation.

4. Before bringing the present action and reaching the proposed consent decree with the defendants, the Attorney General conducted an investigation into whether the Allied-Suburban Companies' deal would be in violation of federal and state antitrust laws, including Section 7 of the Clayton Act, 15 U.S.C. § 18, and the Donnelly Act, N.Y. General Business Law § 340.

5. By virtue of Judge Rakoff's oversight role, representatives of the Attorney General's Antitrust Bureau previously have apprised His Honor of our on-going antitrust investigation. We have appeared at His Honor's request on three occasions before him, including on January 19, 2000 (this morning).

6. The purpose of Judge Rakoff's hearings has been to consider, among other things, whether he will approve the sale of the Suburban Companies to Allied, and whether that deal faces an antitrust action from our office. We have informed Judge Rakoff of our intent to file the present action, and the consent decree which settles it, as a related case to United States v. Suburban Carting Corporation. Upon all parties' and Judge Rakoff's anticipation that the case will be so treated, we respectfully request that this case be designated as related and forwarded to Judge Rakoff.

7. Having this action assigned to Judge Rakoff, who already is familiar with its issues and its settlement posture, will result in substantial savings of judicial resources and will advance the just, efficient and economical conduct of both cases.

Dated: New York, New York  
January 19, 2000

Respectfully submitted,

ELIOT SPITZER  
Attorney General of the  
State of New York

By: 

RICHARD E. GRIMM (RG 6891)  
Assistant Attorney General  
State of New York  
Attorney for the State of New York  
120 Broadway, Suite 2601  
New York, New York 10271  
(212) 416-8280