

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 12-CV-00395-RPM-MEH

UNITED STATES OF AMERICA

Plaintiff,

v.

SG INTERESTS I, LTD.,  
SG INTERESTS VII, LTD., and  
GUNNISON ENERGY CORPORATION

Defendants.

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**PLAINTIFF’S UNOPPOSED MOTION FOR ENTRY OF FINAL JUDGMENT WITH  
RESPECT TO DEFENDANT GUNNISON ENERGY CORPORATION**

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Plaintiff United States of America, having filed its Complaint in the above-captioned case, and having filed on this date a Stipulation and a revised proposed Final Judgment with respect to Defendant Gunnison Energy Corporation (“GEC”), hereby moves this Court for entry of a Final Judgment against GEC. By agreement of the United States and GEC, the attached revised proposed Final Judgment with respect to GEC provides that, to settle the United States’s claims arising from GEC’s alleged violations of Section 1 of the Sherman Act, 15 U.S.C. § 1, GEC will (1) pay the United States \$275,000 and (2) provide the Department of Justice notice and, if requested, information for a period of five years relating to any joint bidding at oil and gas lease auctions conducted by the Bureau of Land Management. As set forth in the memorandum filed in support of this motion and in support of the Plaintiff’s unopposed motion for entry of the

revised proposed Final Judgment with respect to SG Interests I, Ltd. and SG Interests VII, Ltd.,  
entry of the revised proposed Final Judgment with respect to GEC is in the public interest.

Dated: March 6, 2013

Respectfully submitted,

s/ Sarah L. Wagner

Sarah L. Wagner

U.S. Department of Justice

Antitrust Division

Transportation, Energy &

Agriculture Section

450 Fifth Street, NW, Suite 8000

Washington, DC 20530

Telephone: (202) 305-8915

FAX: (202) 616-2441

E-mail: sarah.wagner@usdoj.gov

Attorney for Plaintiff United States

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 6, 2013, I filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following email addresses:

Timothy R. Beyer  
timothy.beyer@bryancave.com

L. Poe Leggette  
pleggette@fullbright.com

s/ Sarah L. Wagner

Sarah L. Wagner  
U.S. Department of Justice  
Antitrust Division  
Transportation, Energy &  
Agriculture Section  
450 Fifth Street, NW, Suite 8000  
Washington, DC 20530  
Telephone: (202) 305-8915  
FAX: (202) 616-2441  
E-mail: sarah.wagner@usdoj.gov  
Attorney for Plaintiff United States

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**FINAL JUDGMENT WITH RESPECT TO  
DEFENDANT GUNNISON ENERGY CORPORATION**

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WHEREAS Plaintiff, United States of America, filed its Complaint alleging that Defendants Gunnison Energy Corporation (“GEC”) and SG Interests I, Ltd. and SG Interests VII, Ltd. (collectively “SGI”) violated Section 1 of the Sherman Act, 15 U.S.C. §1, and Plaintiff and GEC, through their respective attorneys, have consented to the entry of this Final Judgment without trial or final adjudication of any issue of fact or law, for settlement purposes only, and without this Final Judgment constituting any evidence against or an admission by GEC with respect to any allegation contained in the Complaint.

NOW, THEREFORE, before the taking of any testimony and without trial or final adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED, AND DECREED:

## **I. JURISDICTION**

This Court has jurisdiction of the subject matter of this action and each of the parties consenting hereto. The Complaint states a claim against GEC under Section 1 of the Sherman Act, 15 U.S.C. §1.

## **II. APPLICABILITY**

This Final Judgment applies to GEC and any successor of GEC.

## **III. PAYMENT**

A. Within thirty (30) days of the entry of this Final Judgment, GEC shall pay to the United States the amount of two hundred and seventy five thousand dollars (\$275,000) to settle claims that the United States has asserted against GEC under the Sherman Act.

B. The payment specified above shall be made by wire transfer. Before making the transfer, GEC shall contact Janie Ingalls, of the Antitrust Division's Antitrust Documents Group, at (202) 514-2481 for wire transfer instructions.

C. In the event of a default in payment, interest at the rate of eighteen (18) percent per annum shall accrue thereon from the date of default to the date of payment.

## **IV. ANTITRUST COMPLIANCE**

GEC's President shall be responsible for ensuring GEC's compliance with this Final Judgment. GEC's President shall be responsible for: (1) furnishing to the Department of Justice notice that GEC intends to bid with another party or on behalf, in whole or in part, of another party for leases at an oil and gas lease auction conducted by the Bureau of Land Management no later than thirty days prior to such auction and (2) upon receiving request from the Department of Justice, providing to the Department of Justice non-privileged information, including documents,

relating to the planned joint bidding identified in GEC's notice. No information or documents obtained by the means provided in this Section shall be divulged by the United States to any person other than an authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

#### **V. RETENTION OF JURISDICTION**

This Court retains jurisdiction to enable any of the parties to this Final Judgment to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify or terminate any of its provisions, to enforce compliance, and to punish violations of its provisions.

#### **VI. EXPIRATION OF FINAL JUDGMENT**

Unless this Court grants an extension, this Final Judgment and all obligations contained herein shall expire five years from the date of its entry.

#### **VII. PUBLIC INTEREST DETERMINATION**

Entry of this Final Judgment is in the public interest. Based upon the record before the Court, which includes the Competitive Impact Statement filed on February 15, 2012, the public

comments filed on August 3, 2012, the United States' Response to Public Comments filed on August 3, 2012, and the United States' Motion and Memorandum submitted by the United States in support of this Final Judgment entry of this Final Judgment is in the public interest.

DATED: \_\_\_\_\_

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UNITED STATES DISTRICT JUDGE