



On December 22, 2021, the United States filed a civil antitrust Complaint against Defendant Clarence L. Werner (“Werner”) related to Defendant’s acquisition of voting securities of Werner Enterprises, Inc. (“Werner Inc.”) from May 2007 through February 2020. The Complaint alleges that Defendant violated Section 7A of the Clayton Act, 15 U.S.C. § 18a, commonly known as the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (the “HSR Act”). The HSR Act requires cert-3 (tt)]e7 (es)2 “rrc285 0 Tw (r)--1 u-5 (18a)3dR A80(t)-1 (er)-1 (p)1 (r)4/8d

At the same time the Complaint was filed, the United States also filed a proposed Final Judgment, a Stipulation and Order, and a CIS describing the events giving rise to the alleged violation and the proposed Final Judgment. The Stipulation and Order, which was agreed to by the parties and which was entered by the Court on January 21, 2022 (Dkt No. 5), provides that the proposed Final Judgment may be entered by the Court once the requirements of the APPA have been met. The proposed Final Judgment requires Defendant to pay a civil penalty of \$486,900 within 30-days of entry of the Final Judgment.

Entry of the proposed Final Judgment will terminate this action, except that the Court will retain jurisdiction to construe, modify, or enforce the provisions of the Final Judgment and to punish violations thereof.

Before entering the proposed Final Judgment, the APPA requires the Court to determine whether the proposed Final Judgment “is in the public interest.” 15 U.S.C. § 16(e)(1). In making

opportunity to comment on the proposed Final Judgment and no comments were submitted. As explained in the CIS, entry of the proposed Final Judgment is in the public interest.

For the reasons set forth in this Motion and Memorandum and in the CIS, the United States respectfully requests that the Court find that the proposed Final Judgment is in the public interest and enter the proposed Final Judgment.

Dated: April 20, 2022

Respectfully Submitted,

/s/ Kenneth A. Libby
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