

Interlocutory Orders, Etc.

IN THE MATTER OF

**NATIVE ESSENCE HERB COMPANY,
MARK J. HERSHISER,
AND
MARIANNE HERSHISER**

Docket No. 9328 Order, January 29, 2009

Order granting complaint counsel's and respondents' joint motion to withdraw the matter from adjudication for the purpose of considering a consent agreement.

**ORDER WITHDRAWING MATTER FROM ADJUDICATION FOR THE
PURPOSE OF CONSIDERING A PROPOSED CONSENT AGREEMENT**

Complaint Counsel and Respondents having jointly moved that this matter be withdrawn from adjudication to enable the Commission to consider a proposed Consent Agreement, and having submitted a proposed Consent Agreement containing a proposed Order, executed by the Respondents and by Complaint Counsel and approved by the Director of the Bureau of Consumer Protection, which, if accepted by the Commission, would resolve this matter 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of the Commission Rules of Practice, 16 C.F.R. § 3.25(c) (2009), that this matter in its entirety be and it hereby is withdrawn from adjudication, and that all proceedings before the Administrative Law Judge be and they hereby are stayed pending a determination by the Commission with respect to the proposed Consent Agreement, pursuant to Rule 3.25(f), 16 C.F.R. § 3.25(f); and

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IT IS FURTHER ORDERED, pursuant to Rule 3.25(b) of the Commission Rules of Practice, 16 C.F.R. § 3.25(b), that the proposed Consent Agreement not be placed on the public record unless and until it is accepted by the Commission.

By the Commission.

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IN THE MATTER OF

**CRH PLC,
OLDCASTLE, INC.,
OLDCASTLE ARCHITECTURAL, INC.,
ROBERT SCHLEGEL,
AND
PAVESTONE COMPANY, LP**

Docket No. 9335 Order, January 29, 2009

Order granting complaint counsel's and respondents' joint motion to dismiss the complaint.

ORDER DISMISSING COMPLAINT

On January 14, 2009, the Federal Trade Commission issued the Administrative Complaint in this matter, having reason to believe that Respondents CRH plc ("CRH"), Oldcastle, Inc. (wholly owned by CRH), and Oldcastle Architectural, Inc. (an indirect subsidiary of CRH) -- and Robert Schlegel and Pavestone Company, LP (collectively, "Pavestone") -- had entered into an acquisition agreement which, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45. Complaint Counsel and the Respondents have now filed a Joint Motion to Dismiss Complaint, which states that the Respondents have decided not to proceed with the proposed acquisition by Oldcastle Architectural, Inc. of the Pavestone companies -- and that CRH has withdrawn its Hart-Scott-Rodino Notification and Report Forms filed for the proposed transaction -- and requests that the Commission dismiss the complaint.¹

¹ *Joint Motion to Dismiss Complaint* (January 15, 2009) ("Joint Motion"), available on the Adjudicative Proceedings page for this case at <http://www.ftc.gov/os/adjpro/d9335/index.shtm>.