

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

UNITED STATES OF AMERICA,	)	
	)	
<i>Plaintiff,</i>	)	
	)	Civil Action No.1:03-CV-00434 (HHK)
v.	)	
	)	
SMITHFIELD FOODS, INC.,	)	
	)	
<i>Defendant.</i>	)	
	)	

**PLAINTIFF’S MEMORANDUM OF POINTS AND AUTHORITIES IN  
SUPPORT OF ITS MOTION FOR LEAVE TO FILE A  
SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PLAINTIFF’S  
OPPOSITION TO DEFENDANT’S MOTION TO DISMISS  
FOR LACK OF PERSONAL JURISDICTION**

In support of Plaintiff’s Motion for Leave to File a Supplemental Memorandum in Support of its Opposition to Defendant’s Motion to Dismiss, Plaintiff offers the following:

This Motion is made pursuant Rule 7(b), Fed.R.Civ.P., and Rule 7.1, L.Civ.R.

Even though the Plaintiff exercised due diligence in attempting to obtain all relevant information and documents related to the issues raised by the Defendant in its Motion to Dismiss for Lack of Personal Jurisdiction, not all of the documentation and information was received before Plaintiff timely filed its Memorandum of Points and Authorities in Opposition. *See* Declaration of Alexander Hewes, Jr., Esq., which is attached hereto and incorporated herein by reference.

The information and documentation sought to be added by Plaintiff’s Supplemental Memorandum are highly relevant to the Court’s consideration of the Defendant’s instant Motion

to Dismiss. *See United States v. Scophony Corp.*, 333 U.S. 795, 807, 68 S.Ct. 855, 861, 92 L.Ed. 1091 (1948). As described in the attached Supplemental Memorandum and supporting exhibits, Defendant Smithfield exercises control over its subsidiaries by its senior management having overlapping positions as officers of both Smithfield and the subsidiaries. The sworn statements of Smithfield's Chairman, Joseph W. Luter, III, further and persuasively establish that he, as Chairman and Chief Executive Officer of Smithfield Foods, Inc., ultimately controls Gwaltney of Smithfield, Ltd. and Smithfield Packing Company, Inc., and other Smithfield subsidiaries.

For the foregoing reasons, the Plaintiff respectfully requests that its Motion for Leave to file a Supplemental Memorandum be granted and that this Court grant such other and further relief to which it finds the Plaintiff otherwise entitled.

Dated: April 16, 2003

Respectfully submitted,  
Plaintiff, United States

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