

**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>	)	
	)	

**DECLARATION OF ALEXANDER HEWES, JR., ESQ.  
(28 U.S.C. § 1746)**

Alexander Hewes, Jr., Esq., under penalties of perjury, avers the following:

1. I am an adult citizen of the United States and an attorney licensed to practice in the District of Columbia and the Commonwealth of Virginia.
2. I am a trial attorney with the Antitrust Division of the U.S. Department of Justice and I have entered an appearance as co-counsel for Plaintiff, United States, in the above-captioned case.
3. On March 21, 2003, several days before Defendant filed its Motion to Dismiss for Lack of Personal Jurisdiction, I contacted Sarah Himmelhoch, Esq., a trial attorney with the Environmental Enforcement Section of the Environment and Natural Resources Division of the U.S. Department of Justice. It was my understanding that Ms. Himmelhoch was trial counsel in the case brought by the United States on behalf of the Environmental Protection Agency (“EPA Case”) against Smithfield Foods, Inc. (“Smithfield”), the

Defendant in the instant case.

4. I asked Ms. Himmelhoch whether any senior management of Smithfield had been deposed in that case and if so, whether I could review any such deposition transcripts.
5. Ms. Himmelhoch advised me that Joseph W. Luter, III, the President, CEO and Chairman of the Board of Directors of Smithfield had been deposed and that she would attempt to locate the file.
6. On March 31, 2003, I received further word from Ms. Himmelhoch that the case files had to be retrieved from archives in Suitland, Maryland. Ms. Himmelhoch did not receive the files until after Plaintiff filed its Memorandum of Points and Authorities in Opposition to the Defendant's Motion to Dismiss.
8. Similarly, before Defendant filed its Motion to Dismiss, Plaintiff began to examine various public records and filings made by Smithfield for further support of the information Plaintiff had that Smithfield's subsidiaries are, and have been, under the operational control of their parent, Smithfield.
9. Through the exercise of due diligence, most of the information was received in time for inclusion in the Plaintiff's Memorandum in Opposition to the Motion to Dismiss; however, some of it was not.
10. It was not until after the Memorandum in Opposition was filed that Plaintiff received copies of the Annual Report of Packers filed with the United States Department of Agriculture on behalf of Smithfield Packing Company and Gwaltney of Smithfield, Ltd., both wholly-owned subsidiaries of Smithfield. The information was provided to Plaintiff by the Deputy Assistant General Counsel, Office of General Counsel, U.S. Department of

Agriculture.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 16<sup>th</sup> day of April, 2003.

“/s/”  
Alexander Hewes, Jr., Esq.