

)	
UNITED STATES OF AMERICA,)	
)	Case No. 1:03 CV 02012-GK
<i>Plaintiff,</i>)	
)	
v.)	Judge Gladys Kessler
)	
ALCAN INC.,)	DECK TYPE: Antitrust
ALCAN ALUMINUM CORP.,)	
PECHINEY, S.A., and)	
PECHINEY ROLLED PRODUCTS, LLC,)	
)	
<i>Defendants,</i>)	
)	
State of West Virginia,)	
)	
<i>Intervenor.</i>)	
)	

On October 18, 2004, the Court ordered the parties to file by December 3 a joint praecipe informing the Court as to whether the defendants have elected to divest *either* Alcan’s or Pechiney’s brazing sheet business according to the terms of the proposed Amended Final Judgment (“AFJ”) (*see* AFJ, §§ II (F)(1)-(3), II (E)(1)-(3), and IV(A)).

1. On November 23, 2004, Alcan's board of directors voted to approve a spinoff of Novelis Inc., a corporate reorganization that would, in effect, result in a complete divestiture of Alcan's brazing sheet business. Alcan's shareholders have been invited to a special meeting on December 22, 2004, to vote on the spinoff. The plans for the spinoff have been known to Alcan shareholders since May 24, 2004, and Alcan has no knowledge of any opposition to the proposal and no reason to believe that shareholder approval will not be obtained. Assuming its shareholders approve the spinoff, Alcan will begin implementing the spinoff as quickly as

possible. Alcan believes, however, that the Novelis spinoff (and divestiture of Alcan's brazing sheet business) cannot be completed before January 20, 2005.

2. For its part, the United States already has committed to extend the divestiture timetable contained in the proposed AFJ until December 31, 2004 (*see* AFJ, § IV(A)), and to extend the deadline beyond that date if warranted by future circumstances (*viz.*, the defendants' continued best efforts to complete the ordered divestiture as expeditiously as possible).

3. The State of West Virginia agrees with the dates proposed to the Court and reserves its position depending on the resolution and/or outcome in the event the divestiture is not satisfactorily accomplished.

Dated: December 3, 2004.

Respectfully submitted,

FOR PLAINTIFF
UNITED STATES OF AMERICA

FOR DEFENDANTS ALCAN INC.,
ALCAN ALUMINUM CORP., PECHINEY, S.A.,
and PECHINEY ROLLED PRODUCTS, LLC

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FOR INTERVENOR THE STATE OF WEST VIRGINIA

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