

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA
United States Department of Justice
Antitrust Division, Litigation I Section
450 Fifth Street, N.W.
Suite 4100
Washington, DC 20530,

Plaintiff,

v.

GRUPO BIMBO, S.A.B. de C.V.
Prolongacion Paseo de la Reforma No. 1000
Col. Pena Blanca Santa Fe
Delegacon Alvaro Obregon
Mexico D.F., 01210 Mexico,

BBU, INC.
225 Business Center Drive
Horsham, Pennsylvania 19044,

and

SARA LEE CORPORATION
3500 Lacey Road,
Downers Grove, Illinois 60515,

Defendants.

CASE NO.:

JUDGE:

UNITED STATES' EXPLANATION OF CONSENT DECREE PROCEDURES

Plaintiff United States of America ("United States") submits this short memorandum summarizing the procedures regarding the Court's entry of the proposed Final Judgment. This Judgment would settle this case pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (the "APPA"), which applies to civil antitrust cases brought and settled by the United States.

1. Today, the United States has filed a Complaint, Hold Separate Stipulation and Order, proposed Final Judgment, and Competitive Impact Statement related to the proposed Final Judgment. The parties have agreed that the Court may enter the proposed Final Judgment following compliance with the APPA.

2. The APPA requires that the United States publish the proposed Final Judgment and Competitive Impact Statement in the *Federal Register* and cause to be published a summary of the terms of the proposed Final Judgment and the Competitive Impact Statement in certain newspapers at least sixty (60) days prior to entry of the proposed Final Judgment. Defendants in this matter have agreed to arrange and bear the costs for the newspaper notices. The notice will inform members of the public that they may submit comments about the proposed Final Judgment to the United States Department of Justice, Antitrust Division (*see* 15 U.S.C. § 16(b)–(c)).

3. During the sixty-day period, the United States will consider, and at the close of that period respond to, any comments that it has received, and it will publish the comments and the United States' responses in the *Federal Register*.

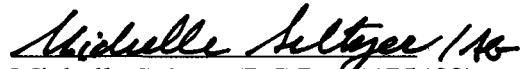
4. After the expiration of the sixty-day period, the United States will file with the Court the comments and the United States' responses, and it may ask the Court to enter the proposed Final Judgment (unless the United States has decided to withdraw its consent to entry of the Final Judgment, as permitted by Section IV.A of the Stipulation, *see* 15 U.S.C. § 16(d)).

5. If the United States requests that the Court enter the proposed Final Judgment after compliance with the APPA, 15 U.S.C. § 16(e)–(f), then the Court may

enter the Final Judgment without a hearing, provided that it concludes that the Final Judgment is in the public interest.

Dated: October 21, 2011

Respectfully submitted,



Michelle Seltzer (DC Bar #475482)

Attorney

Litigation I Section

Antitrust Division

U.S. Department of Justice

450 Fifth Street, N.W., Suite 4100

Washington, DC 20530

Telephone: (202) 353-3865

Facsimile: (202) 307-5802

E-mail: michelle.seltzer@usdoj.gov