

1 LOWELL R. STERN  
lowell.stern@usdoj.gov  
2 United States Department of Justice  
Antitrust Division  
3 450 5th Street, N.W., Suite 8700  
Washington, D.C. 20530  
4 Telephone: (202) 307-0922  
Facsimile: (202) 307-6283  
5 Attorney for Plaintiff

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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 \_\_\_\_\_ )  
11 UNITED STATES OF AMERICA, ) CASE NO.: 8:09-cv-00275-AG-AN  
12 Plaintiff, ) **PLAINTIFF'S EXPLANATION OF**  
13 v. ) **CONSENT DECREE PROCEDURES**  
14 MICROSEMI CORPORATION, ) Hon. Andrew J. Guilford  
15 Defendant. )  
16 \_\_\_\_\_ )

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

24 1. On December 18, 2008, the United States filed a  
25 Verified Complaint in this matter. Today, the United States has  
26 filed a Stipulation Regarding Proposed Final Judgment, proposed  
27

1 Final Judgment, and Competitive Impact Statement. The parties  
2 have agreed that the Court may enter the proposed Final Judgment  
3 following compliance with the APPA.

4 2. The APPA requires that the United States publish the  
5 proposed Final Judgment and Competitive Impact Statement in the  
6 *Federal Register* and in certain newspapers at least sixty (60)  
7 days prior to entry of the proposed Final Judgment. The notice  
8 will inform members of the public that they may submit comments  
9 about the proposed Final Judgment to the United States  
10 Department of Justice, Antitrust Division (see 15 U.S.C. §  
11 16(b)-(c)).

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

16 4. After the expiration of the sixty-day period, the  
17 United States will file with the Court the comments and the  
18 United States's responses, and it may ask the Court to enter the  
19 proposed Final Judgment (unless the United States has decided to  
20 withdraw its consent to entry of the Final Judgment, as  
21 permitted by paragraph III(A) of the Stipulation Regarding  
22 Proposed Final Judgment, see 15 U.S.C. § 16(d)).

1           5.     If the United States requests that the Court enter the  
2 proposed Final Judgment after compliance with the APPA, 15  
3 U.S.C. § 16(e)-(f), then the Court may enter the Final Judgment  
4 without a hearing, provided that it concludes that the Final  
5 Judgment is in the public interest.

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7 Dated: August 20, 2009     Respectfully submitted,

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10                                   By: \_\_\_\_\_/s/\_\_\_\_\_  
   Lowell R. Stern  
   Attorney for Plaintiff

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 20th day of August, 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Brett J. Williamson  
Darin J. Glasser  
O'Melveny & Myers LLP  
610 Newport Center Drive  
17th Floor  
Newport Beach, CA 92660-6429

Michael E. Antalics  
Benjamin G. Bradshaw  
O'Melveny & Myers LLP  
1625 Eye Street, N.W.  
Washington, D.C. 20006

\_\_\_\_\_/s/\_\_\_\_\_  
Lowell R. Stern  
Attorney for Plaintiff