

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	Civil Action No. 1:08 CV 1311
)	
v.)	
)	
MICROSEMI CORPORATION,)	Hearing Date: March 6, 2009
Defendant.)	
)	

**PLAINTIFF’S MOTION FOR LIMITED DISCOVERY
AND REQUEST FOR IN CAMERA PROCEEDING**

Plaintiff United States, through its undersigned counsel, respectfully requests that this Court enter an order permitting the Plaintiff to conduct expedited, limited discovery to determine the status of the assets subject to this Court’s December 24, 2008 Order to Preserve and Maintain Assets and further requests an in camera, ex parte review of the confidential exhibit submitted with the motion. As grounds for the motion, Plaintiff states as follows:

1. The assets acquired by Microsemi (the former Semicoa facility) produce electronic parts that are used in vital military space programs and for other civilian programs. *See* Declarations of Gary Bartmann, Karin Hougen, Jack Nicholson, David Davis, David Emily, Mike Sampson, Thomas Hess and Raymond Kolonchuk attached to Plaintiff’s Emergency Motion for Temporary Restraining Order.
2. This Court entered an Order on December 24, 2008 directing Microsemi to preserve and maintain the assets pending adjudication on the merits. (Docket #28).

3. If the assets are idled or otherwise dissipated, the Court may be unable to order effective relief to remedy the antitrust violation alleged in the Complaint.
4. Plaintiff is concerned that the assets are not being preserved as required by the Order to Preserve and Maintain Assets. As support for this motion, Plaintiff will submit herewith an exhibit for in camera and ex parte review by the Court. The information in this exhibit is believed to be privileged and confidential and should be reviewed by the Court in camera and protected from disclosure to Defendant Microsemi unless otherwise ordered by the Court.

Plaintiff has noticed this motion for hearing on March 6, 2009, but requests a ruling on the papers, should the Court deem such action appropriate. Defendant's counsel has been apprised of this motion and does not consent.

Dated: February 25, 2009

Respectfully submitted,

_____/s/_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of February, 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:

Brian A. O'Dea
Michael Antalics
Benjamin G. Bradshaw
William T. Buffaloe

O'Melveny & Meyers LLP
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/s/

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