

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
<i>Plaintiff,</i>	)	
	)	Civil Action No.: 2:04cv526
v.	)	Judge Robert G. Doumar
	)	
SMITHFIELD FOODS, INC.,	)	Date-stamped: November 10, 2004
	)	
<i>Defendant.</i>	)	
	)	

FINAL JUDGMENT

Plaintiff, the United States of America, having commenced this action by filing its Complaint herein for violation of Section 7A of the Clayton Act, 15 U.S.C. § 18a, commonly known as the Hart-Scott-Rodino Antitrust Improvements Act of 1976, and Plaintiff and Defendant, Smithfield Foods, Inc. ("Smithfield"), by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against or an admission by the Defendant with respect to any such issue:

NOW THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED:

I.

The Court has jurisdiction of the subject matter of this action and of the Plaintiff and the Defendant. The Complaint states a claim upon which relief can be granted against the Defendant under Section 7A of the Clayton Act, 15 U.S.C. § 18a.

II.

Judgment is hereby entered in this matter in favor of Plaintiff United States of America and against Defendant, and pursuant to Section 7A(g)(1) of the Clayton Act, 15 U.S.C. § 18a(g)(1), the Debt Collection Improvement Act of 1996, Pub. L. 104-134, § 31001(s) (amending the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461), and Federal Trade Commission Rule 1.98, 16 C.F.R. § 1.98, 61 Fed. Reg. 54549 (Oct. 21, 1996), Defendant Smithfield is ordered to pay a civil penalty in the amount of two million dollars (\$2,000,000). Payment shall be made by wire transfer or cashier's check. If the payment is made by wire transfer, Defendant shall contact Janie Ingalls of the Antitrust Division's Antitrust Documents Group at (202) 514-2481 for instructions before making the transfer. If the payment is made by cashier's check, the check shall be made payable to the United States Department of Justice and delivered to:

Janie Ingalls
United States Department of Justice
Antitrust Division, Antitrust Documents Group
325 7th Street, NW
Suite 215 North
Washington, D.C. 20530.

Defendant shall pay the full amount of the civil penalties within thirty (30) days of entry of this Final Judgment. In the event of a default in payment, interest at the rate of eighteen (18) percent per annum shall accrue thereon from the date of default to the date of payment.

III.

Each party shall bear its own costs of this action.

IV.

Entry of this Final Judgment is in the public interest.

SO ORDERED this ____ day of _____, 2004

By: _____
Robert G. Doumar
UNITED STATES DISTRICT JUDGE

WE ASK FOR THIS:

**FOR PLAINTIFF
UNITED STATES OF AMERICA**

“/s/”
C. Alexander Hewes (VSB No. 04922)
Trial Attorney, U.S. Department of Justice
Antitrust Division
325 Seventh Street, NW, Suite 500
Washington, DC 20530
Telephone: (202) 305-8519
Facsimile: (202) 616-2441

J. Richard Doidge
Jesscia K. Delbaum
David A. Blotner
Caroline E. Laise
Trial Attorneys
United States Department of Justice
325 Seventh Street, N.W., Suite 500
Washington, DC 20530
Telephone: (202) 514-2000

**FOR DEFENDANT
SMITHFIELD FOODS, INC.**

“/s/”
Thomas G. Slater, Jr. (VSB No. 05915)
HUNTON & WILLIAMS LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, Virginia 23219-4074
Telephone: (804) 788-8475
Facsimile: (804) 788-8218

Gregory N. Stillman (VSB No. 14308)
HUNTON & WILLIAMS LLP
500 East Main Street, Suite 1000
Norfolk, Virginia 23510
Telephone: (757) 640-5300

Keven J. Arquit
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, New York 10017-3954
Telephone: (212) 455-2000