

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

\_\_\_\_\_  
**UNITED STATES OF AMERICA,**  
United States Department of Justice  
Antitrust Division  
450 Fifth Street, NW, Suite 8000  
Washington, DC 20530

Plaintiff,

v.

**SMITHFIELD FOODS, INC.,**  
200 Commerce Street  
Smithfield, Virginia 23430

and

**PREMIUM STANDARD FARMS, LLC,**  
Highway 65 N  
c/o P.O. Box 194  
Princeton, Missouri 64673

Defendants.  
\_\_\_\_\_

Civil Action No.

10-120(ESH)

Filed:

**FILED**

**JAN 25 2010**

**U.S. DISTRICT COURT**

**FINAL JUDGMENT**

WHEREAS plaintiff United States of America filed its Complaint alleging that defendants Smithfield Foods, Inc. and Premium Standard Farms, LLC violated 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 defendants, through their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, for the specific and limited purpose of settlement only, and without this Final Judgment constituting any evidence against or any admission by the defendants with respect to any such

issue;

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

### **I. JURISDICTION**

The Court has jurisdiction over the subject matter of this action and over the parties to this action. The Complaint states a claim upon which relief can be granted against the defendants under Section 7A of the Clayton Act, 15 U.S.C. § 18a. For the specific and limited purpose of this Final Judgment, defendants waive any objection to venue or jurisdiction.

### **II. CIVIL PENALTY**

Judgment is hereby entered in this matter in favor of plaintiff United States of America and against defendants Smithfield Foods, Inc. and Premium Standard Farms, LLC, 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), and FTC Rule 1.98(a), 16 C.F.R. § 1.98(a) (2000), defendants hereby are ordered jointly and severally to pay a civil penalty in the amount of nine-hundred thousand dollars (\$900,000). Payment shall be made by wire transfer or cashier's check. If the payment is made by wire transfer, the defendants 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  
450 Fifth Street, NW, Suite 1024  
Washington, DC 20530

Defendants 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. COSTS**

Each party shall bear its own costs of this action.

### **IV. PUBLIC INTEREST DETERMINATION**

Entry of this Final Judgment is in the public interest.

Dated: \_\_\_\_\_

1/22/10

E. L. S. Hurck  
United States District Judge