

From: [Rebecca McDaniel](#) [rmcdani[REDACTED]]
To: [Read, John](#) [John.Read@USDOJ.ATR.gov]
Subject: United States v. Apple, Inc., et al., 12-cv-2826 (DLC) (SDNY). Comments on Proposed Final Judgment as to Defendants Hachette, HarperCollins and Simon & Schuster.
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Re: United States v. Apple, Inc., et al., 12-cv-2826 (DLC) (SDNY). Comments on Proposed Final Judgment as to Defendants Hachette, HarperCollins and Simon & Schuster.

In 1993 Wal-Mart was accused of predatory pricing

An Arkansas judge Tuesday found Wal-Mart Stores guilty of using predatory pricing to force competitors out of business, possibly paving the way for more lawsuits against price-cutting discounters.

In his ruling, Chancery Court Judge David Reynolds ordered Wal-Mart to stop selling drugs and health and beauty products below cost at its store in Conway, Ark., and to pay nearly \$300,000 in damages to three drugstores in that community.

The three stores had filed suit, accusing Wal-Mart of scheming to drive them out of business by selling below cost. Reynolds said Wal-Mart violated the law, which bars selling items at a loss with the intent of harming competitors. Wal-Mart shares fell 75 cents to close at \$25.75 on the New York Stock Exchange.

Wal-Mart will prevail because selling below cost has been a common practice, said Richard Nelson, an industry analyst at Duff & Phelps in Chicago.

"This practice has a long history," Nelson said. "To win this kind of lawsuit, you have to prove that a retailer is trying to harm a competitor, and that's difficult."

Is there any doubt by ANYONE that the singular product of e-books with constant below-cost pricing will definitely put out of business any and all bookstores who must price above cost in order to make a profit?? Is there any doubt that Amazon knows this to be a fact? Isn't Borders bankruptcy proof and the struggling Barnes and Noble another indicator?

If Amazon claims they are not really trying to put anyone out of business, my question is, "Then why price BELOW cost and lose money on every single sale of the major books bringing in the most money for bookstores?" Would most business owners be able to do this and stay in business?

Isn't Amazons clear choice of taking losses on books bringing customers into bookstores and then pricing below cost a clear indication that they know EXACTLY what they are doing?

The sadness here is that the government who is to protect small businesses from such practices by big business is actually promoting a monopoly: The Justice Department is sanctioning the destructive, anticompetitive campaign of a corporate giant with billions in cash and boundless ambitions.

Please look into this matter and do not allow the eradication of bookstores, one of the most

important avenues for a literary culture to survive and grow.

Thank you for your time,

Rebecca McDaniel, Professor Emerita of English and Communication, University of Cincinnati