

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

UNITED STATES OF AMERICA,	)	
	)	
<i>Plaintiff,</i>	)	
	)	Civil Action No.1:03-CV-00434 (HHK)
v.	)	
	)	
SMITHFIELD FOODS, INC.,	)	
	)	
<i>Defendant.</i>	)	
	)	

**PLAINTIFF’S MOTION FOR ENTRY OF AN ORDER COMPELLING  
COMPLIANCE WITH PLAINTIFF’S DISCOVERY REQUESTS AND FOR AN  
EXTENSION OF TIME FOR JURISDICTIONAL DISCOVERY**

Plaintiff, United States, hereby moves for entry of an order pursuant to Federal Rule of Civil Procedure 37(a) compelling Defendant Smithfield Foods, Inc. (“Smithfield” or “Defendant”) to respond fully to Plaintiff’s Interrogatories and Requests for Production of Documents.

As detailed in the supporting Memorandum, Defendant has improperly and steadfastly refused to produce: (1) documents and information dated between February 1, 2001 and the present; (2) documents and information concerning all of its subsidiaries with business activities in the District of Columbia; and (3) four key officers that the United States seeks to depose. Three of Defendant’s wholly-owned subsidiaries have similarly refused to produce documents and information in response to subpoenas issued pursuant to Fed. R. Civ. P. 45. Plaintiff moves for an order directing Defendant and its subsidiaries to fully and completely respond to Plaintiff’s written discovery within 15 days of entry of the order.

Plaintiff also moves for entry of an order granting a 45-day extension of the 60 day time period for jurisdictional discovery that the Court ordered, which would give Plaintiff 30 days to review the materials produced pursuant to the court's order and to conduct depositions.

**Statement of Compliance with Fed. R. Civ. P. 37**

Pursuant to Fed. R. Civ. P. 37(d), Plaintiff conferred with Defendant's counsel by telephone on June 12, 2003 and in letters dated June 24 and June 25, respectively, in an effort to secure the discovery without court action. The parties were unable to reach an agreement.

WHEREFORE, Plaintiff requests entry of an order:

1. directing Defendant to:
  - (A) produce all documents and information, withheld on the basis of General Objections 1 and 2, responsive to each of Plaintiff's Requests for Documents (Nos. 1 through 26), and each of Plaintiff's Interrogatories (Nos. 1 through 19).
  - (B) make available for deposition four key witnesses, as well as any or all of the four witnesses who have already been deposed, should Plaintiff deem that necessary in light of the additional responses to its documents and interrogatories;
  - (C) produce the responses to Plaintiff's written discovery within 15 days of entry of the order;
2. directing Gwaltney of Smithfield, Ltd. and Smithfield Packing Co., Inc., Defendant's wholly-owned subsidiaries, to produce, within 15 days of entry of the order, all documents, withheld on the basis of General Objections 1 and 2, that are responsive to each of Plaintiff's Requests for Documents (Nos. 1 through 26) served pursuant to Fed. R. Civ. P. 45;

3. directing The Smithfield Companies, Defendant's wholly-owned subsidiary, to produce, within 15 days of entry of the order, all documents responsive to each of Plaintiff's Requests for Documents (Nos. 1 through 26) served pursuant to Fed. R. Civ. P. 45;
4. extending the time for discovery on the question of whether this court has jurisdiction over Defendant for a total period of 45 days from the entry of the order; and
3. granting such other relief to which this Court finds Plaintiff is entitled

Dated this 3<sup>rd</sup> day of July, 2003.

Respectfully submitted,  
COUNSEL FOR PLAINTIFF  
UNITED STATES

By \_\_\_\_\_ /s/

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