



U.S. Department of Justice

Antitrust Division

*Liberty Place Building
325 Seventh Street NW
Washington, DC 20530*

May 21, 2003

VIA FAX AND
FIRST CLASS MAIL

Thomas G. Slater, Jr.
Hunton & Williams
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219-4074

Re: United States v. Smithfield Foods, Inc.

Dear Mr. Slater:

In follow-up to our telephone conference yesterday, attached are subpoenas issued pursuant to Rule 45, Fed. R. Civ. P., to Smithfield Packing Company, Inc. ("Smithfield Packing"), Gwaltney of Smithfield, Ltd. ("Gwaltney"), and The Smithfield Companies ("Smithfield Companies"), which we understand are all wholly-owned subsidiaries of the defendant. While we disagree over whether the subpoenas are necessary, we are sending them in an effort to address your expressed concerns and to expedite the discovery ordered by the court.

As we discussed, the substance of the interrogatories and request for documents served with these subpoenas is identical to those issued to the defendant.

You agreed to accept service of these subpoenas via facsimile on behalf of each of the three subsidiaries pursuant to Rule 45, with the understanding that your doing so would not constitute a waiver of your right to raise objections (unrelated to procedural objections associated with the service of the subpoenas) regarding the information sought.

You also agreed that the time for responding to the subpoenas would begin to run from May 19, 2003, the date on which the defendant was served.

Lastly, you agreed that the reach of these subpoenas would include any subsidiaries of

these three subsidiaries as well and that the responses will include responses from each subsidiary of Smithfield Packing, Gwaltney and Smithfield Companies.

The responses to all subpoenas and the discovery will be returnable to our offices here in Washington, as indicated on the subpoenas and discovery requests.

If your understanding differs in any way from the above, please let me know immediately.

Sincerely,

“/s/”

Nina B. Hale
Attorney