

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

)	
UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Civil No: 99 1018 GK
)	
)	
IMETAL,)	
DBK MINERALS, INC.,)	
ENGLISH CHINA CLAYS, PLC, and)	
ENGLISH CHINA CLAYS, INC.,)	
Defendants.)	
)	

**MEMORANDUM OF THE UNITED STATES IN OPPOSITION TO AMENDED
MOTION OF THE PAPER, ALLIED-INDUSTRIAL, CHEMICAL AND ENERGY
WORKERS INTERNATIONAL UNION TO INTERVENE, OR IN THE ALTERNATIVE
TO APPEAR AS AMICUS CURIAE**

On February 24, 2000, the Paper, Allied-Industrial, Chemical and Energy Workers International Union ("PACE") filed an amended motion to intervene, or in the alternative to appear as amicus curiae, in this Tunney Act proceeding. PACE's original motion seeking intervention had been filed on February 3, 2000. The Court denied the motion on procedural grounds on February 16, 2000.

The United States opposes PACE's amended motion for the same reasons it opposed the original motion.¹ PACE has failed to demonstrate any cognizable interest in the proceeding that would justify intervention, has failed to show that its participation would aid the Court in any way in making the

¹The United States filed its Memorandum in Opposition to the motion on February 17, 2000, before it learned of the Court's order. Defendants also filed a Memorandum in Opposition that same day. PACE filed a Reply Brief on February 28, 2000.

public interest determination that is the subject of this proceeding, has failed to show bad faith or malfeasance on the part of the Government, and has shown no reason why it should be able to appear as amicus simply to present cumulative arguments about why it doesn't like the proposed Final Judgment. A copy of the Memorandum Of The United States In Opposition To Motion Of The Paper, Allied-Industrial, Chemical and Energy Workers International Union To Intervene, or in the Alternative to Appear as Amicus Curiae, which was filed with the Court on February 17, 2000, is attached to this Memorandum at Tab A, and incorporated by reference herein.

For the reasons set forth in that Memorandum, PACE's Motion to Intervene or in the Alternative for Leave to Appear as Amicus Curiae should be denied.

Dated: March 8, 2000

Respectfully submitted,

/s/

Patricia G. Chick
D.C. Bar # 266403
U.S. Department of Justice
Antitrust Division
1401 H Street, N.W. Suite 3000
Washington, D.C. 20530
Telephone: (202) 307-0946
Facsimile: (202) 514-9033
Attorney for Plaintiff the United States

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Memorandum of the United States In Opposition to Amended Motion of the Paper, Allied-Industrial, Chemical and Energy Workers International Union To Intervene, or in the Alternative to Appear as Amicus Curiae, to be served by first class mail, postage prepaid, this 8th day of March, 2000 on:

George M. Chester, Jr., Esquire
Covington & Burling
1201 Pennsylvania Avenue, NW
Washington, D.C. 20004-7566
Counsel for All Defendants

Jonathan W. Cuneo, Esquire
THE CUNEO LAW GROUP, P.C.
317 Massachusetts Avenue, NE
Suite 300
Washington, D.C. 20002
Counsel for Movant

_____/s/_____
Patricia G. Chick
D.C. Bar # 266403
Trial Attorney
U.S. Department of Justice
Antitrust Division
1401 H Street, NW, Suite 3000
Washington, D.C. 20530
(202) 307-0946