

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)
)
 Plaintiff;)
)
 v.) Civil Action No.: 93-2621 (RCL)
)
 BAROID CORPORATION,)
 BAROID DRILLING FLUIDS, INC.,)
 DB STRATABIT (USA) INC., and)
 DRESSER INDUSTRIES, INC.;)
)
 Defendants.)
 _____)

MOTION FOR LEAVE TO PERMIT DIAMOND PRODUCTS INTERNATIONAL
TO JOIN THE UNITED STATES IN SEEKING MODIFICATION OF THE FINAL
JUDGMENT FROM THIS COURT

The United States hereby asks this Court for leave to permit Diamond Products International (“DPI”) to join the United States in moving for modification of the Final Judgment. On March 30, 2000, DPI and the United States filed a Joint Motion to Modify the Final Judgment. The Joint Motion to Modify the Final Judgment is now pending, and the notice and public comment period will expire on June 19, 2000.¹ The Joint Motion requests modification of Paragraph V.F. of the Final Judgment, which prohibits DPI, as the purchaser of the divested diamond drill bit business, from entering certain transactions. The proposed modification would change Paragraph V.F. from a prohibition to a notice provision.

¹ As of June 12, the United States has received one comment.

Pursuant to Paragraph III.B. of the Final Judgment, DPI agreed to be bound by the Final Judgment when it purchased Baroid Corporation's ("Baroid") diamond drill bit business.² *See also* Fed. R. Civ. P. 65(d) (stating that an order granting an injunction "is binding . . . upon parties to the action . . . and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise"). In the attached affidavit, DPI agrees that it will abide by the terms of the modified Final Judgment in the event that this Court grants the motion filed by DPI and the United States.

This Court retains jurisdiction under Paragraph XIV to modify the Final Judgment upon the application of any party. Although DPI is not a party, the Final Judgment may be enforced against it, and we therefore ask that DPI be permitted to join the United States in seeking modification of a provision that applies to it. *See* Fed. R. Civ. P. 71 ("[W]hen obedience to an order may be lawfully enforced against a person who is not a party, that person is liable to the same process for enforcing obedience to the order as if a party.") Granting leave for DPI to join the United States will not delay disposition of the modification request pending before this Court. The United States respectfully asks this Court to enter the attached Order granting DPI

²At the time it purchased Baroid's diamond drill bit business, DPI was known as International Superior Products, Inc. The defendants were required to divest Baroid's diamond drill bit business pursuant to Paragraph V.A. of the Final Judgment.

leave to seek modification of Paragraph V.F. of the Final Judgment.

Date: June 12, 2000

Respectfully submitted,

“/s/”

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