

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 82-0192  
(HHG)

WESTERN ELECTRIC COMPANY,  
INC., et al.,

Defendants.

**FILED**

**APR 11 1996**

CLERK, U.S. DISTRICT COURT  
DISTRICT OF COLUMBIA

ORDER

For the reasons set forth in the Opinion accompanying this Order, it is this 11th day of April, 1996,

ORDERED that the decree entered on August 24, 1982, is hereby terminated, nunc pro tunc, as of February 8, 1996; and it is

FURTHER ORDERED that any issues regarding the Weber patent raised in MCI's Motion for Declaratory Ruling Enforcing AT&T's Prior Representations Concerning Patents and Barriers to Entry (Dec. 21, 1992) and subsequent pleadings regarding that motion, shall be resolved in Civil Action No. 92-2858 rather than in the above-captioned action; and it is

FURTHER ORDERED that all other pending motions in the instant case are hereby DISMISSED moot; and it is

FURTHER ORDERED that this Court will retain jurisdiction in the above-captioned case for the limited purpose of dealing with conduct or activities occurring prior to February 8, 1996; and it is

FURTHER ORDERED that the Department of Justice ("the Department") may retain documents, deposition testimony, interrogatory responses and other materials (hereinafter "documents") obtained pursuant to Section VI of the decree entered on August 24, 1982, including documents obtained in connection with the Motion of Bell Atlantic Corporation, BellSouth Corporation, NYNEX Corporation and Southwestern Bell Corporation to Vacate the Decree (July 6, 1994), provided that the documents may be used by the Department and the Federal Communications Commission ("the FCC") only in connection with investigations of any activities that would have been previously prohibited by the decree or in connection with the performance of their duties under the Telecommunications Act of 1996. No documents shall be divulged by the Department to any person other than employees, consultants, or experts retained by the Department, or duly authorized representatives of the Executive Branch of the United States or the FCC (including submission of such document for the record in a FCC proceeding), except in the course of legal proceedings in which the United States is a party, or for the purpose of enforcing the decree with respect to

conduct or activities prior to the date of the enactment of the Telecommunications Act of 1996, P.L. 104-104, or as otherwise required by law; and it is

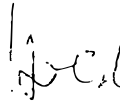
FURTHER ORDERED that if a party which submitted a document ("the submitter") has asserted a claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure as to such document, the Department shall use its best efforts to provide ten calendar days' notice to the party which submitted the document prior to publicly disclosing the document, quoting from the document in any public pleading, or disclosing the document in interviews or depositions of any person not employed by the submitter; and it is

FURTHER ORDERED that the Department may divulge or provide a copy of the document to the FCC (including submission of such document for the record in a FCC proceeding) if the Department deems such document to be relevant to authorized activities of the FCC under the Telecommunications Act of 1996. The confidentiality protections afforded to such document by the FCC shall be governed by applicable FCC rules and practices. If the submitter has asserted a claim of protection under Rule 26(c)(7) for such document, the Department shall advise the FCC of such claim; and shall, consistent with FCC rules and practices, request the FCC to provide confidential treatment for such document (including a request that if the FCC makes such document

available to other parties, it require such other parties to comply with an appropriate protective order); and it is

FURTHER ORDERED that the Department, in its discretion, may return documents to the submitter without further order of the Court; and it is .

FURTHER ORDERED that nothing in this Order shall be read to limit or alter the applicable provisions and protections of the Freedom of Information Act, 5 U.S.C. §§ 552 et seq., or the authority of the Department to obtain and use documents under the Antitrust Civil Process Act, 15 U.S.C. §§ 1311 et seq., the Hart-Scott-Rodino Antitrust Improvements Act of 1974, 15 U.S.C. § 18a, or by any other means.



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HAROLD H. GREENE  
United States District Judge