IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	Civil Action No.: 2:04cv526
v.	)	Judge Robert G. Doumar
	)	
SMITHFIELD FOODS, INC.,	)	
	)	
Defendant.	)	
	)	

JOINT MEMORANDUM IN SUPPORT OF JOINT MOTION FOR ENTRY OF STIPULATED PROTECTIVE ORDER

The Parties' Joint Motion for Entry of Stipulated Protective Order is made pursuant to Rules 7(b) and 26(c)(7) of the Federal Rules of Civil Procedure, as well as Rules 5(C) and 7 of the Local Civil Rules.

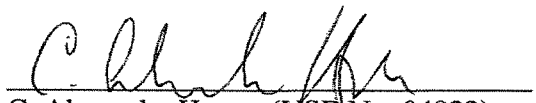
The parties respectfully request that the Court enter the attached proposed Stipulated Protective Order to ensure that confidential information obtained during (1) Plaintiff's pre-complaint investigation, (2) jurisdictional discovery in the transferor court or (3) discovery here is not improperly disclosed. The proposed Stipulated Protective Order permits producing Parties and third parties to designate materials as confidential if such party reasonably believes the material contains any trade secret or other confidential, strategic, research, development, or commercial information that, if disclosed, would materially affect its business, commercial or financial interests. The proposed Stipulated Protective Order also establishes rules for use of such confidential materials, including notice to the producing Party or third party prior to any

public disclosure. A substantially similar order, limited to jurisdictional discovery, was entered by the United States District Court for the District of Columbia, the transferor court for this action.

Counsel for the Parties negotiated the proposed Stipulated Protective Order to protect the interests of all parties, including those third parties who produced materials to Plaintiff during its pre-complaint investigation. As stated in Paragraph 16 of the proposed Stipulated Protective Order, agreeing to the Stipulated Protective Order and complying with its terms is not an endorsement of any party's designation of Confidential Information. With the entry of the proposed Stipulated Protective Order, however, all parties, particularly third parties, will have confidence that materials they designate as confidential will not be publicly disclosed without, at a minimum, advance notice and an opportunity to contest such disclosure. Accordingly, its entry will facilitate the discovery process, including Plaintiff's initial disclosure of materials obtained in its pre-complaint investigation.

Therefore, counsel for both parties jointly move the Court for entry of the proposed Stipulated Protective Order.

FOR PLAINTIFF
UNITED STATES OF AMERICA:



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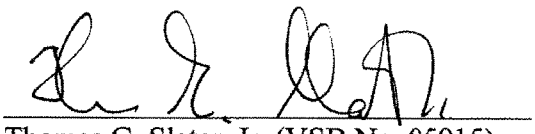
Dated: 24th day of September, 2004

FOR DEFENDANT
SMITHFIELD FOODS, INC.



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Dated: 27th day of September, 2004