

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,	)	
	)	
<i>Plaintiff,</i>	)	
	)	Civil Action No.1:03-CV-00434 (HHK)
v.	)	
	)	
SMITHFIELD FOODS, INC.,	)	
	)	
<i>Defendant.</i>	)	
	)	

**PLAINTIFF’S MOTION FOR LEAVE TO FILE A  
SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PLAINTIFF’S  
OPPOSITION TO DEFENDANT’S MOTION TO DISMISS  
FOR LACK OF PERSONAL JURISDICTION**

Plaintiff, United States of America (“Plaintiff” or “United States”) respectfully moves this Court for the entry of an Order granting Plaintiff the right to file a Supplemental Memorandum in Support of Plaintiff’s Opposition to Defendant’s Motion to Dismiss (“Supplemental Memorandum”), a copy of which is attached hereto, and for its reasons relies upon the following:

Plaintiff timely filed its Opposition to Defendant’s Motion to Dismiss and exercised due diligence to obtain all relevant records and information for submission as part of its Memorandum of Points and Authorities in Opposition to Defendant’s Motion to Dismiss for Lack of Personal Jurisdiction. Certain documentation and information, however, was not received until after Plaintiff’s Memorandum in Opposition had been filed. The additional documentation and information set forth as part of Plaintiff’s proposed Supplemental Memorandum are significant and directly relevant to the merits of Defendant’s contention that it

is not subject to the personal jurisdiction of this Court.

Plaintiff also relies upon the Memorandum of Points and Authorities in Support of its Motion for Leave to File a Supplemental Memorandum, which is also attached hereto, along with the attached Declaration of Alexander Hewes, Jr., Esq. and the proposed Supplemental Memorandum.

Plaintiff would not oppose the entry of an Order granting a brief extension of time for the Defendant until Monday, April 21, 2003, or such other time as the Court deems appropriate, to file its Reply Memorandum or, alternatively, to file a supplemental memorandum that addresses only the matters set forth in Plaintiff's Supplemental Memorandum.

Plaintiff respectfully requests that the Court enter an Order:

1. Granting the United States the right to file the attached Supplemental Memorandum in Support of Plaintiff's Opposition to the Defendant's Motion to Dismiss for Lack of Personal Jurisdiction.
2. Granting such other and further relief to which this Court finds the Plaintiff otherwise entitled.

**Statement of Compliance with L.Cv.R. 7.1 (m)**

Pursuant to L.Cv.R 7.1(m), Plaintiff discussed this motion with Smithfield's counsel by telephone on April 16, 2003 in an effort to narrow any areas of disagreement, and Smithfield's counsel advised that the Defendant opposes this motion.

Dated this 16<sup>th</sup> day of April, 2003.

Respectfully submitted,  
Plaintiff, United States

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"/s/"

By Nina B. Hale  
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