

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

UNITED STATES OF AMERICA,

STATE OF IOWA,

STATE OF MISSISSIPPI,

and

STATE OF MONTANA,

*Plaintiffs,*

v.

THE DOW CHEMICAL COMPANY

and

E.I. DU PONT DE NEMOURS AND  
COMPANY,

*Defendants.*

Case No. 1:17-cv-01176 (APM)

**DESCRIPTION OF WRITTEN OR ORAL COMMUNICATIONS  
CONCERNING THE PROPOSED FINAL JUDGMENT IN THIS ACTION  
AND CERTIFICATION OF COMPLIANCE UNDER 15 U.S.C. § 16(g)  
BY E.I. DU PONT DE NEMOURS AND COMPANY**

Pursuant to Section 2(g) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(g), Defendant E.I. du Pont de Nemours and Company ("DuPont"), by its attorneys, submits the following description of all written or oral communications by or on behalf of DuPont with any officer or employee of the United States concerning or relevant to the Proposed Final Judgment in this action. In accordance with Section 2(g), the description excludes any communications

“made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone.”

On September 21, 2016, outside counsel for DuPont and outside counsel for Defendant The Dow Chemical Company ("Dow") met with employees of the Antitrust Division of the Department of Justice (the "Division") to discuss, among other things, the proposed divestiture remedy. Cornel Fuerer, DuPont Agriculture Associate General Counsel, Kenneth D. Isley, Global Leader, Dow AgroSciences Legal Department and Ethics & Compliance, and Dow AgroSciences Vice President, General Counsel and Secretary; and Scott Hutchins, Global Leader, Dow AgroSciences Research & Development, participated in that meeting.

On September 27, 2016, outside counsel for DuPont and outside counsel for Dow met with employees of the Division to discuss, among other things, the proposed divestiture remedy. Eric Blackhurst, Dow Assistant General Counsel; Jack Ingold, Dow Senior Managing Counsel; and Ed Noack, Global Business Director, Dow Services Business, participated in that meeting.

On October 26, 2016, outside counsel for DuPont and outside counsel for Dow met with employees of the Division to discuss, among other things, the proposed divestiture remedy. DuPont Agriculture Associate General Counsel Cornel Fuerer, Kenneth D. Isley, Global Leader, Dow AgroSciences Legal Department and Ethics & Compliance, and Dow AgroSciences Vice President, General Counsel and Secretary, participated in that meeting.

On January 25, 2017, outside counsel for DuPont and outside counsel for Dow participated in a meeting with employees of the Division to discuss, among other things, the proposed divestiture remedy. Peter Sykes, Dow Vice President and Corporate Head of Mergers & Acquisitions, participated in that meeting.

On March 6, 2017, outside counsel for DuPont and outside counsel for Dow participated in a meeting with employees of the Division to discuss, among other things, the proposed divestiture remedy. Representatives of FMC Corporation and its outside counsel participated in that meeting.

On March 27, 2017, outside counsel for DuPont participated in a call with employees of the Division to discuss the proposed divestiture remedy. Ed Makowski, Director, Global Marketing and Six Sigma at DuPont Crop Protection, participated in that call.

To the best of DuPont's knowledge, after appropriate inquiry, there have been no other written or oral communications by or on behalf of DuPont with any officer or employee of the United States concerning or relevant to the Proposed Final Judgment, except for communications between outside counsel of record for DuPont alone and employees of the Division alone.

DuPont therefore certifies that the requirements of 15 U.S.C. § 16(g) have been complied with and that this description of communications by or on behalf of DuPont required to be reported under 15 U.S.C. § 16(g) is true and complete.

Dated: June 23, 2017

Respectfully submitted,

/s/ Clifford H. Aronson

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*Counsel for Defendant E.I. du Pont de Nemours and Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, the foregoing will be filed with the Clerk of the Court using the CM/ECF system, which shall send notice to all counsel of record.

Dated: June 23, 2017

/s/ Clifford H. Aronson  
Clifford H. Aronson (D.C. Bar. #335182)