

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

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

AB ELECTROLUX,

ELECTROLUX NORTH AMERICA, INC.,

and

GENERAL ELECTRIC COMPANY,

*Defendants.*

Case No. 1:15-cv-01039-EGS

**JOINT PRETRIAL STATEMENT**

Pursuant to Local Civil Rule 16.5(b) of U.S. District Court for the District of Columbia, this Court's Standing Order for Civil Cases, and the Amended Schedule entered by the Court on September 3, 2015 (Dkt. No. 89), the Parties respectfully submit this Joint Pretrial Statement.

**I. Statement of the Case, Statement of Claims by the United States, and Statement of Defendants' Defenses**

Plaintiff United States alleges that the proposed acquisition by Electrolux of General Electric's appliance business (the "proposed transaction") violates Section 7 of the Clayton Act. 15 U.S.C. § 18. Defendants AB Electrolux, Electrolux North America, Inc., and General Electric Company deny all the United States' allegations and assert that the merger is procompetitive. The Parties agree that this Court has jurisdiction over this action under 15 U.S.C. § 25. As provided in the Amended Scheduling Order, on October 26, 2015, the Parties will further describe their positions in their respective Pre-Trial Briefs, which will be filed on October 26,

2015.

## **II. Schedule of Witnesses that the Parties Will or May Call**

Please see Exhibit A.

Defendants believe that both sides will have sufficient time to present their case before Thanksgiving. The times provided for examinations are indicative only; Defendants believe that Plaintiffs' time estimates for some of the witnesses are more generous than will be needed or desired.

The United States does not believe it is reasonable to expect that the trial examinations can be completed in the 12 trial days that precede Thanksgiving. The United States notes that Defendants estimate 46 1/2 hours for their examinations, and the United States estimates 66 hours for its examinations.

## **III. Exhibit Lists**

Please see Exhibits B (Plaintiff's Trial Exhibit List) and C (Defendants' Trial Exhibit List).

## **IV. Deposition Designations**

While the Parties intend to present all of their witnesses live (in person or via video-conference), we are nonetheless submitting designations (and objections) for certain witnesses. *See* Exhibits D and E.<sup>1</sup> Under the Court's Amended Scheduling Order, the parties may also submit designations for new witnesses and related entities (and a single party executive whose deposition could not be taken prior to the deadline for exchanging deposition designations) on October 29, 2015.

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<sup>1</sup> Due to the volume of the deposition designations, the Parties have each hand-delivered to the Court a copy of their respective designations in electronic format.

To minimize the burden on third parties of having to move now to seal designated testimony that would be eclipsed by live testimony, the Parties respectfully request that the Court treat all these transcripts as Confidential Information pursuant to the Amended Protective Order Regarding Confidentiality, entered on October 5, 2015. As indicated in the Court's Order Governing Procedures for use of Confidential Information at Trial (Dkt. Entry 157): "It is not contemplated that designated deposition testimony shall be publicly read during the course of trial but, instead, will be submitted to the Court as part of the evidentiary record in those instances where the witness does not appear live." (Order at 6.) In the event any Party submits any deposition designations to the Court for the purpose of their inclusion in the evidentiary record for trial, the Parties will provide the Protected Person with appropriate notice and the Protected Person will be given an opportunity to file a motion to seal. The Protected Person's motion to seal must comply with the procedures set forth in the Court's Order Governing Procedures for use of Confidential Information at Trial.

**V. Itemization of Damages**

The United States does not seek damages.

**VI. Request for Other Relief Sought**

The United States requests: (a) that the proposed acquisition be adjudged to violate Section 7 of the Clayton Act, 15U.S.C. § 18; (b) that the Defendants be permanently enjoined and restrained from carrying out the Agreement dated September 7, 2014, or from entering into or carrying out any agreement, understanding, or plan by which Electrolux would acquire General Electric's appliances business or any of its relevant assets; (c) that the United States be awarded costs of this action; and (d) that the United States be awarded such other relief as the Court may deem just and proper.

Defendants deny that the United States is entitled to any relief and seek: (a) dismissal of the Complaint; and (b) that Defendants be awarded costs of this action.

Dated: October 23, 2015

Respectfully submitted,

/s/ Ethan C. Glass

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