

**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 STATUS REPORT FOR
NOVEMBER 6 STATUS HEARING**

As directed by the Court's November 3 and November 5 Minute Orders, the parties respectfully submit this joint status report for the status hearing to be held at 3 P.M. on November 6. The parties have identified the following issues for possible discussion at the hearing.

1. Further clarification regarding the procedures at trial for discussing confidential information.

Status: The parties wish to discuss how the Court would like the parties to conduct opening statements and summations consistent with the Court's process for handling confidential material.

In light of the large volume of exhibits that Defendants have claimed to be confidential, the United States would also like to discuss how the process the Court set forth for handling confidential materials in witness examinations will be implemented at trial.

Defendants note that the Court has already considered and granted motions by Defendants and non-parties to have certain exhibits and testimony related to those exhibits treated as "Complete Non-Disclosure" and "Partial Non-Disclosure, as those

terms are defined in the Order Governing Procedures for Use of Confidential Information at Trial (Dkt. No. 157). The only question before the Court at this time is the scope of the proposed redactions for documents the Court has ordered be treated as "Partial Non-Disclosure." The volume of documents requiring such treatment has only diminished as a result of the Parties' efforts to narrow their exhibit lists this week.

Defendants also note that on Sunday, November 1, the Court provided a Draft Pre-Trial Order outlining the procedures for evidence and testimony including Confidential Information and invited the Parties to comment. Defendants proposed amendments, including to Section III.B., governing procedures for use of Confidential Information in witness examinations; Plaintiff proposed none. Defendants believe that Section III.B. as adopted in the Court's Final Pre-Trial Order sets forth a reasonable and workable process that strikes the right balance between protecting party and non-party Confidential Information and permitting public access to Court proceedings.

The United States did not receive Defendants' substantive additions to the joint status report until late in the evening on November 5 and thus has not had opportunity to provide its response in this filing. The United States will provide its position at the November 6 hearing.

2. Request by Non-Parties to Modify Order Governing Procedures for Use of Confidential Information at Trial.

Certain non-parties informed the Parties by letter on November 5, 2015 (appended as Exhibit A) that the non-parties intend to seek a modification to Section V of the Order Governing Procedures for Use of Confidential Information at Trial (Dkt. No. 157).

The United States received the non-parties' letter late in the day on November 5 and has not had sufficient time to review it and consider the issues it raises. The United States will take under consideration the issues raised in the letter and will indicate its position at the November 6 hearing.

Defendants do not oppose the relief sought in the non-parties' November 5, 2015 letter.

3. Pending motions.

Status: For the Court's convenience, we have listed the following motions awaiting ruling from the Court:

Dkt. No. 236: Defendants' Motion for Order to Maintain Seal filed by Defendants; United States' Response to Defendants' Motion to Seal (Dkt. No. 249); and Defendants' Reply (Dkt. No. 259).

Dkt. No. 245: Defendants' Motion for Order to Seal Certain Trial Exhibits Designated for New Witnesses

Dkt. No. 276: Joint Motion for Order Regarding Admissibility of Trial Exhibits

Dkt. No. 278 Defendants' Motion to Seal Plaintiff's Out of Time Trial Exhibits

The Parties continue to seek the Court's guidance on the Parties' competing proposals to protect Confidential Information in the exhibits disclosed in the Parties' November 2, 2015 notices of trial witnesses and exhibits (Dkt Nos. 256, 257, 264). The Parties' competing proposals were submitted in the binders and electronic media delivered to chambers on November 5, 2015.

Dated: November 5, 2015

Respectfully submitted,

/s/ Ethan C. Glass

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