

**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 AMENDED 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 Amended Pretrial Statement, which incorporates the additional discovery related to New Witnesses (and a single party executive) that the Parties completed after September 30, 2015.

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. The

Parties described their positions in their respective Pre-Trial Briefs, which were filed on October 26, 2015.

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

Please see Updated Exhibit A.

III. Exhibit Lists

The United States' filed its updated exhibit list with the Court on November 2 in response to the Court's October 30 Minute Order directing the parties to disclose "the exhibits they plan to offer through each witness."

In response to the Court's October 30 Minute Order, on November 2, 2015, Defendants filed with the Court a Notice of Defendants' Trial Witnesses and Exhibits. As the court directed, this list includes "a list of witnesses that Defendants intend to call during the course of the trial; the exhibits Defendants plan to offer through each witness; and a brief statement of the evidentiary basis for each exhibit." Defendants also reference the Court to Defendants' Trial Exhibit List (attached as Exhibit B).

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* updated Exhibits C and D.¹ The Parties are now including any additional 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).

¹ On October 23, 2015, the Parties previously hand-delivered to the Court a copy of their respective designations. On November 2, 2015, the Parties also each hand-delivered to the Court a copy of their respective additional 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 again 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: November 2, 2015

Respectfully submitted,

/s/ Ethan C. Glass

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