



**U.S. Department of Justice**

Antitrust Division

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*Liberty Square Building*

*450 5<sup>th</sup> Street, N.W.  
Washington, DC 20001*

September 26, 2022

The Honorable Maryellen Noreika  
J. Caleb Boggs Federal Building  
844 North King Street  
Room 4324, Unit 19  
Wilmington, DE 19801-3555

Re: United States of America v. United States Sugar Corporation, et al.  
C.A. No. 21-1644 (MN)

Dear Judge Noreika:

On behalf of Plaintiff United States of America, I write to request an expedited ruling on Plaintiff United States' Emergency Motion for Injunction Pending Appeal Pursuant to Federal Rule of Civil Procedure 62(d) Or, In the Alternative, A 14-Day Injunction to Pursue an Expedited Motion Pursuant to Federal Rule of Appellate Procedure 8 (D.I. 246) filed on September 26, 2022, which was accompanied by Plaintiff United States' Memorandum in Support of Plaintiff's Emergency Motion for Injunction Pending Appeal (D.I. 247). The requested relief is necessary to protect purchasers and consumers of refined sugar and to preserve the United States' ability to obtain an effective remedy if it pursues an appeal. In the absence of an injunction pending appeal, Defendants could consummate their transaction at 12:01 A.M. on October 3, 2022. *See* D.I. 247-1 (Timing Agreement, Ex. A ¶ IV.B).

Unless this Court quickly grants at least a temporary injunction, the United States may need to move for an injunction in the Third Circuit later this week to provide the appeals court with time to consider the motion before the proposed merger has been consummated.

Finally, the United States filed its Emergency Motion and Memorandum in Support under seal out of an abundance of caution because the Court's Memorandum Opinion was issued under seal, but the United States is working expeditiously to identify any areas of redaction to promptly file a redacted copy.

Respectfully submitted,

/s/ Brian Hanna