

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

TRONOX LIMITED,)	
)	
Plaintiff,)	Civil Action No. 1:18-cv-00010-SA-RP
)	
v.)	
)	
FEDERAL TRADE COMMISSION,)	
)	
Defendant.)	

**PLAINTIFF’S RENEWED MOTION FOR EXPEDITED HEARING
AND SCHEDULING ORDER**

Pursuant to Rule 6(c)(1)(C) of the Federal Rules of Civil Procedure, Plaintiff Tronox Limited (“Tronox”) moves for an expedited hearing and scheduling order in this matter. Tronox has good cause for seeking an expedited hearing because:

1. Tronox, a global producer of titanium dioxide pigment (“TiO2”) with its largest production facility located in Hamilton, Mississippi, seeks to acquire TiO2 producer The National Titanium Dioxide Company Ltd. (“Cristal”). Tronox and Cristal executed a purchase agreement in February 2017. If the transaction is not closed by May 21, 2018, the transaction will expire.

2. Tronox seeks an order compelling the FTC to bring any injunctive relief regarding the proposed transaction under Section 13(b) of the FTC Act before 5:00 p.m. EST on February 15, 2018 or, in the alternative, an injunction prohibiting the FTC from seeking any such injunctive relief at any later date and time. Tronox further requests that the Court issue a judicial declaration stating that, in the absence of an FTC request for injunctive relief under Section 13(b) of the FTC Act before 5:00 p.m. EST on February 15, 2018, the FTC could not prevail in an injunctive proceeding under section 13(b) were it to bring such an action challenging Tronox’s

acquisition of Cristal, and accordingly, there is no legal impediment that could prevent Tronox and Cristal closing their proposed transaction.

3. Tronox has served the FTC with its Emergency Complaint for Declaratory Judgment and Injunctive Relief (Dkt. No. 1), Plaintiff's Motion for Expedited Hearing and Scheduling Order (Dkt. No. 3), and Plaintiff's Memorandum in Support of Motion for Expedited Hearing and Scheduling Order (Dkt. No. 4). Counsel for Tronox advised counsel for the FTC on the morning of Monday, January 22, 2018 that it would be filing its complaint in the Aberdeen Division of the United States District Court for the Northern District of Mississippi on Tuesday afternoon. (*See* Decl. of Michael F. Williams ¶ 3 (Attachment 1)). Counsel for Tronox provided by electronic mail a copy of the complaint, motion for expedited consideration, and memorandum in support after filing its pleadings on the evening of Tuesday, January 23, 2018. (*Id.* ¶ 3.) Counsel for Tronox caused copies of these filings to be hand-delivered to the FTC on the morning of Wednesday, January 24, 2018. (*Id.* ¶ 4.) Tronox is providing electronic copies of this filing and service of this renewed motion by hand-delivery contemporaneous with its filing in this Court.

4. For the reasons set forth in the memorandum accompanying this renewed motion, Tronox requests the following scheduling order. Tronox is prepared to litigate the injunctive and declaratory judgment issues immediately, and it further believes this schedule to be practical and feasible for both parties.

- a. Defendant shall file any motions to dismiss, to stay, or to otherwise suspend these proceedings (hereinafter "the Initial Motions"), together with any memorandum briefs in support, on or before January 30, 2018;

- b. Plaintiff shall file its response to any Initial Motions, together with any memorandum briefs in support, on or before February 5, 2018;
- c. Defendants shall file any reply with respect to the Initial Motions on or before February 8, 2018;
- d. The Court will hear oral argument, if necessary, on the Initial Motions at the earliest convenience of the Court.

5. Tronox requests this expedited scheduling order from the Court to establish relevant dates for the consideration of Tronox's claims for injunctive and declaratory relief that will permit merits consideration of these claims before the May 21, 2018 expiration date of the proposed transaction.

DATED: January 25, 2018

Respectfully Submitted,

/s/ Paul V. Cassisa, Jr.

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