

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY**

UNITED STATES OF AMERICA)	
)	
<i>Plaintiff,</i>)	
)	
vs.)	
)	
SUIZA FOODS CORPORATION)	Civil Action No.
)	
d/b/a Louis Trauth Dairy,)	
Land O' Sun Dairy, and)	
Flav-O-Rich Dairy, and)	
)	
BROUGHTON FOODS COMPANY,)	
)	
d/b/a Southern Belle Dairy)	
)	
<i>Defendants.</i>)	

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION
FOR AN INTERIM PROTECTIVE ORDER DIRECTING
THE FILING OF CERTAIN DOCUMENTS UNDER SEAL**

The United States is this day filing a complaint, motion for a temporary restraining order and motion for a preliminary injunction to block the impending acquisition of Broughton Foods Company by Suiza Foods Corporation. In support of plaintiff's moving papers are documents which contain information supplied to the Department of Justice by the defendants and third parties. This information was provided to the Department in confidence and has been protected from public disclosure during the Department's investigation. See, e.g., 15 U.S.C. § 18a(h), 28 C.F.R. §16.7. In keeping with such confidentiality protections, plaintiff seeks to initially file certain documents under seal.

The Division contacted the submitters of the information, notifying them of our intent to file this information in connection with this action. The materials requested to be filed under seal are those that submitters have asked to be designated as confidential or were submitted by the merging parties under a confidentiality provision.

Plaintiff requests that these documents remain under an interim protective order only until a protective order to preserve confidential information that has been, or will be, either furnished to the United States or to the defendants in this litigation is in place.

Respectfully submitted,

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