

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

_____)
In the Matter of)
)
Tronox Limited)
a corporation,)
)
National Industrialization Company)
(TASNEE))
a corporation,)
)
National Titanium Dioxide Company)
Limited (Cristal))
a corporation, and)
)
Cristal USA Inc.)
a corporation,)
)
Respondents.)
_____)

DOCKET NO. 9377

ORDER REQUIRING SUPPLEMENTAL POST-TRIAL BRIEFS

Pursuant to Federal Trade Commission (“FTC or “Commission”) Rule 3.46, the parties are directed to submit supplemental proposed findings of fact, conclusions of law, and post-trial briefs, as explained below.

The evidentiary hearing in this matter concluded on June 22, 2018. On June 27, 2018, the record was closed and an order was issued pursuant to Rule 3.46 directing the filing of post-trial findings of fact, conclusions of law, and replies thereto.

On July 10, 2018, the FTC filed an action for a preliminary injunction, pursuant to 15 U.S.C. § 13(b), seeking to enjoin the merger at issue in this matter pending a final decision on the merits through the administrative process. *Federal Trade Comm’n v. Tronox Ltd., et al.*, Case No. 1:18-cv-01622.

On September 5, 2018, based on the record before the district court, consisting of the administrative record developed in the instant case plus limited additional testimony taken in the district court, the court issued an opinion and order granting the FTC’s motion and enjoining

consummation of the merger “until the Commission’s administrative complaint is dismissed by the Commission, set aside by an appeals court on review, or the Commission has issued a final order pursuant to 15 U.S.C. § 45.” *Federal Trade Comm’n v. Tronox Ltd., et al.*, Case No. 1:18-cv-01622 (September 5, 2018 Order at 2).

In light of the foregoing, pursuant to Commission Rule 3.46, the parties are directed to submit supplemental post-trial briefs addressing the effect of the district court’s opinion and order on any factual or legal issue in this case, including the preclusive effect, if any, of the district court’s factual findings, legal conclusions, or judgment. The briefs shall include, as applicable, proposed findings of fact and conclusions of law derived from the district court’s opinion and order.


The deadlines for the supplemental post-trial briefs are as follows:

September 21, 2018 Deadline for filing concurrent supplemental post-trial briefs, proposed findings of fact and conclusions of law.

October 5, 2018 Deadline for filing concurrent supplemental reply briefs and replies to supplemental proposed findings of fact.

The mandatory rules for post-trial briefs, set forth in the Order on Post-Trial Briefs issued June 27, 2018, shall apply to the supplemental briefs ordered herein.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: September 6, 2018