

**UNITED STATES OF AMERICA
BEFORE THE 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.**

Docket No. 9377

JOINT SUBMISSION TO THE COURT

On Thursday, September 6, 2018, this Court requested supplemental briefing to address “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.” *See* Dkt. 9377, Order Requiring Supplemental Post-Trial Briefs (Sept. 6, 2018). In response, the parties jointly submit the following:

1. Judge Trevor N. McFadden held a hearing on Complaint Counsel’s motion for a preliminary injunction on August 7-9, 2018. The District Court allowed each side to present live testimony from three witnesses of their choosing and the parties submitted briefs outlining their positions and the complete administrative record. The District Court entered an order granting Complaint Counsel’s Motion on September 5, 2018. *See Federal Trade Commission v. Tronox Limited, et al.*, 1:18-cv-01622 (TNM), Dkt. 105.
2. The federal district court’s decision was decided on the preliminary injunction standard expressed in 15 U.S.C. § 53(b), and this merits action was brought pursuant to 15 U.S.C. § 45(b). The decision and findings of the federal district court have no preclusive effect on this Court’s decision concerning the legality of the proposed transaction. *See ProMedica Health Sys., Inc.*, 152 F.T.C. 708, 711 (2011). This Court may consider the district-court decision persuasive authority to the extent it deems appropriate.

With the parties having jointly submitted this response, the parties waive any right to file reply briefs and respectfully ask the Court to consider the briefing on this matter closed for purposes of Rules 3.46 and 3.51 of the Federal Trade Commission’s Part 3 Rules. The parties respectfully ask the Court to reschedule closing arguments expeditiously.

Dated: September 11, 2018

Submitted By:

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2018, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

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I also certify that I caused the foregoing document to be served via email to:

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CERTIFICATE FOR ELECTRONIC FILING

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

September 11, 2018

By: /s/ Michael F. Williams
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Notice of Electronic Service

I hereby certify that on September 11, 2018, I filed an electronic copy of the foregoing Joint Submission to the Court, with:

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