

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of)	
)	
CHICAGO BRIDGE & IRON COMPANY N.V.,)	
)	
a foreign corporation,)	
)	
CHICAGO BRIDGE & IRON COMPANY,)	
)	
a corporation,)	Docket No. 9300
)	
and)	
)	
PITT-DES-MOINES, INC.,)	
)	
a corporation.)	
)	

**RESPONDENTS’ MOTION TO STRIKE TRIAL TESTIMONY RELATING TO
EXHIBITS CX 1577 AND CX 1578**

Respondents (“CB&I”) respectfully request that the Court enter an Order striking/disregarding testimony elicited by Complaint Counsel on cross examination of Respondents’ expert, Dr. Barry Harris. In support of its motion, Respondents state the following:

1. On Friday, January 10, 2002, Complaint Counsel posed questions to Dr. Barry Harris on cross-examination relating to the depositions taken of an expert witness not called by Respondents, John Vaughn.

2. The Court provisionally permitted Complaint Counsel to pose these questions, pending his ruling on a motion previously filed by Respondents requesting that the exhibits be removed from JX 7. (Tr. 7612:17-7613:5). The Court noted that if it ruled on favor of Respondents it would accept a motion requesting that the testimony be disregarded. *Id.*

3. After the lunch break on January 10, 2003, the Judge gave his ruling on the Respondents' Motion to Withdraw Inadvertently Stipulated Documents from Evidence and ruled that Respondents may withdraw CX 1577 and CX 1578 from the aforementioned JX. (Tr. 7666:1-7673:13).

WHEREFORE, Respondents respectfully request that the following portions of the trial transcript be stricken/disregarded:

Trial Tr. 7600:19-7601:8; 7603:1-19; 7604:15-7605:8; 7616:11-13; 7618:9-20; 7619:9-10;
7619:18-7622:5; 7624:20-7625:11; 7629:18-7630:5.

Dated: January 13, 2003

Respectfully submitted,

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and Pitt Des-Moines, Inc.

CERTIFICATE OF SERVICE

I, David E. Dahlquist, hereby certify that on this 13th day of January, 2003, I served a true and correct copy of Respondent's Motion to Strike Trial Testimony Relating to Exhibits CX 1577 and CX 1578, by hand delivery upon:

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580
(two copies)

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