

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

<b>Star Pipe Products, Ltd.,</b>	§	
	§	
Petitioner,	§	
	§	
vs.	§	Misc. Action No. 11-MC-485
	§	
<b>Federal Trade Commission,</b>	§	
	§	
Respondent.	§	

---

**Agreement and Stipulation for Order Dismissing Petition for Protective Order  
and Stay of Disclosure of Confidential Information**

---

WHEREAS, Petitioner Star Pipe Products, Ltd. ("Star"), pursuant to 15 U.S.C. § 57b-2(c)(3), and 16 C.F.R. § 4.10(g), has petitioned this Court for an order of protection and stay of disclosure of certain documents obtained from Star by Respondent, the Federal Trade Commission ("FTC" or "Commission"), in the course of an investigation, FTC File No. 101-0080, and that Star has marked or designated as confidential ("Confidential Documents");

WHEREAS, Star filed this Petition after receiving notices from FTC staff that staff intended to show the Confidential Documents to a third party witness, Mr. Matthew Minamy, in the course of an FTC investigational hearing conducted pursuant to Part 2 of the FTC's Rules of Practice, 16 C.F.R. §§ 2.1-2.51;

WHEREAS, FTC staff conducted an investigational hearing of Mr. Minamy on November 9, 2011, but did not show him or communicate to him the Confidential Documents;

WHEREAS, the possibility of the FTC's recalling Mr. Minamy to testify regarding the Confidential Documents was discussed among the parties, but the testimony was never scheduled;

WHEREAS, on January 4, 2012, the Commission issued an administrative adjudicative complaint against Star and other defendants, pursuant to Section 5 of the FTC Act, 15 U.S.C. § 45;

WHEREAS, any future disclosure by the FTC to Mr. Minamyer of the Confidential Documents in the administrative litigation would be governed by Part 3 of the Commission's Rules of Practice, which include provisions by which a party may obtain a protective order to limit or prevent disclosure of confidential information, *see* 16 C.F.R. § 3.31(d) & App. A;

NOW THEREFORE, Star and the FTC stipulate and agree as follows:

Issuance of an administrative complaint has rendered moot the FTC's need for future testimony from Mr. Minamyer under Part 2 of the Commission's Rules of Practice;


The notices provided to Star by FTC staff on November 7 and November 8, 2011, pursuant to Rule 4.10(f) of the FTC's Rules of Practice, 16 C.F.R. § 4.10(f), are hereby withdrawn;

If Commission staff intends to disclose the Confidential Documents in connection with any future investigational hearing of Mr. Minamyer pursuant to Part 2 of the FTC's Rules of Practice, 16 C.F.R. §§ 2.1-2.51, Staff will provide Star with a new notice pursuant to Rule 4.10(f), 16 C.F.R. § 4.10(f);

This stipulation and consequent dismissal of this proceeding (and Star's similar proceeding before the FTC): (1) in no way relates to, amends, affects, or alters the treatment, use, or disclosure of Star's nonpublic information in any proceeding under the FTC's Part 3 Rules, 16 C.F.R. §§ 3.1-3.83; and (2) in no way waives or relinquishes any rights Star may have as to the confidentiality of its documents under 16 C.F.R. §§ 4.10-4.11, 15 U.S.C. §§ 46(f) and 57b-2(f), 5 U.S.C. § 552(b)(3)-(4), and/or other applicable law; and

This proceeding is hereby dismissed without prejudice as moot.

FOR PETITIONER STAR PIPE PRODUCTS,  
LTD.:

  
\_\_\_\_\_  
Gregory S. C. Huffman  
Attorney-in-Charge  
State Bar No. 10191500  
Federal ID No. 9889

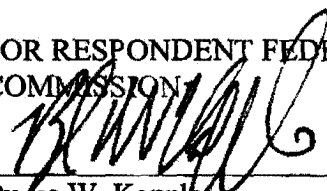
THOMPSON & KNIGHT LLP  
1722 Routh Street, Suite 1500  
Dallas TX 75201  
Telephone: (214) 969-1144  
Facsimile (214) 969-1751  
E-Mail [gregory.huffman@tklaw.com](mailto:gregory.huffman@tklaw.com)

*OF COUNSEL:*

Ricky Raven  
State Bar No. 16585500  
Federal ID No. 9416  
Thompson & Knight, LLP  
333 Clay Street, Suite 3300  
Houston, Texas 77002  
713-654-8111  
713-654-1871 (fax)  
[ricky.raven@tklaw.com](mailto:ricky.raven@tklaw.com)

Nicole L. Williams  
State Bar No. 24041784  
Federal ID No. 37382  
Brian W. Stoltz  
State Bar No. 24060668  
Federal ID No. 1033359  
Thompson & Knight, LLP  
1722 Routh Street, Suite 1500  
Dallas, Texas 75201  
214-969-1149  
214-999-1508 (fax)  
[nicole.williams@tklaw.com](mailto:nicole.williams@tklaw.com)  
[brian.stoltz@tklaw.com](mailto:brian.stoltz@tklaw.com)

FOR RESPONDENT FEDERAL TRADE  
COMMISSION:

  
\_\_\_\_\_  
Burke W. Kappler  
Attorney-in-charge  
D.C. Bar No. 471936  
Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Washington DC 20580  
Telephone: (202) 326-2043  
Facsimile (202) 326-2477  
Email: [bkappler@ftc.gov](mailto:bkappler@ftc.gov)

LOCAL COUNSEL:

Keith E. Wyatt  
Texas Bar No. 22092900  
Federal Bar No. 3480  
Assistant United States Attorney  
Chief, Civil Division  
United States Attorney's Office  
919 Milam Street, Suite 1500  
P. O. Box 61129  
Houston TX 77208  
Telephone: (713) 567-9713  
Facsimile: (713) 718-3303  
E-mail: [keith.wyatt@usdoj.gov](mailto:keith.wyatt@usdoj.gov)

IT IS SO ORDERED:

January \_\_\_\_\_, 2012

---

UNITED STATES DISTRICT JUDGE