

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



In the Matter of

McWANE, INC.,
a corporation, and

STAR PIPE PRODUCTS, LTD.,
a limited partnership.

PUBLIC

DOCKET NO. 9351

**UNOPPOSED MOTION FOR EXTENSION OF TIME FOR U.S. PIPE & FOUNDRY
COMPANY, INC. TO FILE MOTION TO QUASH OR TO LIMIT
MCWANE, INC.'S SUBPOENA *DUCES TECUM***

COMES NOW U.S. PIPE & FOUNDRY COMPANY, INC., BY AND THROUGH ITS
COUNSEL AND MOVES AS FOLLOWS:

1. On or about February 24, 2012, counsel for respondent McWane, Inc. ("McWane") served on U.S. Pipe & Foundry Company, Inc. ("U.S. Pipe") a Subpoena *Duces Tecum* (the "Subpoena") containing requests for documents and data, with a response date of March 21, 2012.

2. Pursuant to the Federal Trade Commission's Rules of Practice, 16 C.F.R. § 3.34(c), U.S. Pipe has ten (10) days in which to file a motion to quash or to limit the Subpoena, which results in a deadline of March 7, 2012.

3. Counsel for U.S. Pipe and McWane are engaged in negotiations regarding the scope of McWane's specifications, objections by U.S. Pipe thereto, and the time required for U.S. Pipe to produce responsive documents and data. To facilitate those negotiations, U.S. Pipe has requested that McWane counsel agree that U.S. Pipe shall have an additional sixteen (16) days in which to file a motion to quash or a motion to limit the Subpoena should U.S. Pipe and McWane be unable to resolve all issues regarding U.S. Pipe's response to the Subpoena.

4. Therefore, U.S. Pipe requests that this Court grant it until March 23, 2012 to file a motion to quash or to limit the Subpoena, and that U.S. Pipe's obligation to complete its

response to the Subpoena shall be tolled during that period.

5. This extension has been agreed upon in order to afford U.S. Pipe counsel sufficient time to negotiate with McWane counsel regarding reasonable limitations and modifications of McWane's specifications to reduce the burden on U.S. Pipe of responding, and thereby to potentially avoid the necessity of filing a motion to quash or to limit the Subpoena.

6. Undersigned counsel represents that he has conferred with McWane counsel and that McWane counsel does not object to the proposed extension.

Dated: March 5, 2012

Respectfully submitted,

By  _____

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*Attorneys for U.S. Pipe & Foundry
Company, Inc.*

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**[PROPOSED] ORDER REGARDING U.S. PIPE & FOUNDRY COMPANY, INC.'S
DEADLINE TO FILE MOTION TO QUASH OR TO LIMIT
MCWANE, INC.'S SUBPOENA *DUCES TECUM***

U.S. Pipe & Foundry Company, Inc. ("U.S. Pipe") proposes the entry of an Order regarding U.S. Pipe's Response to McWane, Inc.'s subpoena *duces tecum*, extending U.S. Pipe's deadline to file a motion to quash or to file a motion to limit McWane, Inc.'s subpoena *duces tecum* until and including March 23, 2012, and tolling U.S. Pipe's obligation to complete its response to McWane, Inc.'s subpoena *duces tecum* during that period.

Good cause having been shown,

IT IS SO ORDERED:

That the Unopposed Motion for Extension of Time for U.S. Pipe & Foundry Company, Inc. to File Motion to Quash or To Limit McWane, Inc.'s Subpoena *Duces Tecum* is GRANTED; and

U.S. Pipe's deadline to file a motion to quash or to file a motion to limit McWane, Inc.'s subpoena *duces tecum* is hereby extended until and including March 23, 2012, and U.S. Pipe's obligation to complete its response to McWane, Inc.'s subpoena *duces tecum* is tolled during that period.

D. Michael Chappell
Administrative Law Judge

DATED: _____

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PROOF OF SERVICE OF PUBLIC FILING AND CERTIFICATION

I, Michael L. Hitsky, hereby certify that on this 5th day of March, 2012, I caused a copy of the documents listed below to be served *by hand* on each of the following: The Office of the Secretary of the Federal Trade Commission (original) and the Honorable D. Michael Chappell (one copy),

and by *electronic mail* to the Honorable D. Michael Chappell (oyalj@ftc.gov); Thomas H. Brock (tbrock@ftc.gov); Edward Hassi (ehassi@ftc.gov); Linda Holleran (lholleran@ftc.gov); J. Alexander Ansaldo (jansaldo@ftc.gov); Andrew K. Mann (amann@ftc.gov); Jeanine Balbach (jbalsbach@ftc.gov); Michael J. Bloom (mjbloom@ftc.gov); Geoffrey Green (ggreen@ftc.gov); Joseph A. Ostoyich (joseph.ostoyich@bakerbotts.com); Andreas Stargard (andreas.stargard@bakerbotts.com); William Lavery (william.lavery@bakerbotts.com); Gregory Huffman (Gregory.Huffman@tklaw.com); William Katz (William.Katz@tklaw.com); Nicole Williams (Nicole.Williams@tklaw.com); and Brian Stoltz (Brian.Stoltz@tklaw.com):

- (1) Unopposed Motion for Extension of Time for U.S. Pipe & Foundry Company, Inc. to File Motion to Quash or to Limit Respondent Counsel's Subpoena *Duces Tecum*;
- (2) [Proposed] Order Regarding U.S. Pipe & Foundry Company, Inc.'s Deadline to File Motion to Quash or to Limit McWane, Inc.'s Subpoena *Duces Tecum*;
- (3) This Proof of Service.

I also certify that on this 5th day of March, 2012, I caused to be served one copy via first class mail delivery of the foregoing documents upon:

Thomas Brock
U.S. Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, DC 20580

Joseph A. Ostoyich
Baker Botts LLP
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Washington, DC 20004

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March 5, 2012

By: 
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