

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

**ORIGINAL**

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 MUELLER WATER  
PRODUCTS, INC. TO FILE MOTION TO QUASH OR TO LIMIT  
THE FEDERAL TRADE COMMISSION'S SUBPOENA *DUCES TECUM***

COMES NOW MUELLER WATER PRODUCTS, INC., BY AND THROUGH ITS  
COUNSEL AND MOVES AS FOLLOWS:

1. On or about March 15, 2012, the Federal Trade Commission ("FTC") served on Mueller Water Products ("Mueller") a Subpoena *Duces Tecum* (the "Subpoena") containing requests for documents and data, with a response date of April 4, 2012.
2. Pursuant to the FTC's Rules of Practice, 16 C.F.R. § 3.34(c), Mueller has ten (10) days in which to file a motion to quash or to limit the Subpoena, which results in a deadline of March 28, 2012.
3. Counsel for Mueller and the FTC are engaged in negotiations regarding the scope of the FTC's requests, objections by Mueller thereto, and the time required for Mueller to produce responsive documents and data. To facilitate those negotiations, and a rolling production of documents in furtherance thereof, Mueller has requested that the FTC's counsel agree that Mueller shall have an additional thirty (30) days in which to file a motion to quash or a motion to limit the Subpoena should Mueller and the FTC be unable to resolve all issues regarding Mueller's response to the Subpoena; provided, however, that if either Mueller or the FTC's counsel notifies the other via email that the negotiations have broken down, Mueller shall have instead five (5) calendar days from the date on which the email was sent to file a motion to

quash or to limit the Subpoena.

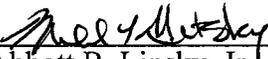
4. Therefore, Mueller requests that this Court grant it until the earlier of April 27, 2012 or five (5) calendar days from the date on which Mueller or the FTC's counsel notifies the other via email that the negotiations have broken down to file a motion to quash or to limit the Subpoena.

5. This extension has been agreed upon in order to afford Mueller counsel sufficient time to negotiate with FTC counsel regarding reasonable limitations and modifications of the FTC's specifications, to produce responsive materials on a rolling basis, and to reduce the burden on Mueller 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 the FTC's counsel and that the FTC's counsel does not object to the proposed extension.

Dated: March 28, 2012

Respectfully submitted,

By   
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*Attorneys for Mueller Water Products, Inc.*

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**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION OF NON-PARTY  
MUELLER WATER PRODUCTS, INC. FOR EXTENSION OF TIME**

On March 28, 2012, non-party Mueller Water Products, Inc. ("Mueller") filed an unopposed motion to extend the time for Mueller to file a motion to quash or limit a Subpoena *Duces Tecum* (the "Subpoena") served on it on or about March 15, 2012 by the Federal Trade Commission ("FTC"), with a response date of April 4, 2012.

In support of its motion, Mueller states that the parties are engaged in negotiations regarding the scope of the Subpoena, its objections, and the time required for Mueller to produce its documents, and in a rolling production of responsive materials. Mueller further states that the FTC does not oppose an extension through the earlier of April 27, 2012 or five (5) calendar days from the date on which Mueller or the FTC's counsel notifies the other via email that the negotiations have broken down in order to afford Mueller's counsel sufficient time to continue negotiating with FTC's counsel on reasonable limitations and modifications of the FTC's specifications and producing responsive materials on a rolling basis, to reduce the burden on Mueller of responding, thereby potentially avoiding the necessity of filing a motion to quash or limit the Subpoena.

Accordingly, based on the foregoing, the Unopposed Motion is GRANTED. It is hereby ORDERED that the deadline for non-party Mueller to file any motion to limit or quash the Subpoena shall be the earlier of April 27, 2012 or five (5) calendar days from the date on which Mueller or the FTC's counsel notifies the other via email that the negotiations have broken down.

ORDERED:

\_\_\_\_\_  
D. Michael Chappell  
Administrative Law Judge

Date: \_\_\_\_\_

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PROOF OF SERVICE OF PUBLIC FILING AND CERTIFICATION

I, Michael L. Hitsky, hereby certify that on this 28th 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 two copies) and the Honorable D. Michael Chappell (one copy),

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

- (1) Unopposed Motion for Extension of Time for Mueller Water Products, Inc. to File Motion to Quash or to Limit the Federal Trade Commission's Subpoena *Duces Tecum*;
- (2) [Proposed] Order Regarding Mueller Water Products, Inc.'s Deadline to File Motion to Quash or to Limit the Federal Trade Commission's Subpoena *Duces Tecum*;
- (3) This Proof of Service.

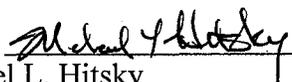
I also certify that on this 28<sup>th</sup> day of March, 2012, I caused to be served one copy via first class mail delivery of the foregoing documents upon:

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

Joseph A. Ostoyich  
Baker Botts LLP  
1299 Pennsylvania Ave., NW  
Washington, DC 20004

Gregory S.C. Huffman  
Thompson and Knight LLP  
1722 Routh Street, Suite 1500  
Dallas, TX 75201

March 28, 2012

By:   
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*Counsel for Mueller Water Products, Inc.*