

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)

Docket No.: 9351
Public Document

ORIGINAL



**UNOPPOSED MOTION FOR EXTENSION OF TIME FOR CUSTOM FAB, INC. TO
FILE MOTION TO QUASH OR LIMIT MCWANE, INC.'S SUBPOENA *DUCES
TECUM* AND SUBPOENA *AD TESTIFICANDUM***

Custom Fab, Inc., a Florida corporation ("Custom Fab"), by its undersigned attorneys, moves as follows:

1. On April 2, 2012, Custom Fab was served with a Subpoena *Duces Tecum* and Subpoena *Ad Testificandum* by counsel for McWane, Inc., containing requests for documents and data, with response dates of April 22, 2012 and April 26, 2012, respectively.

2. Counsel for McWane, Inc. ("McWane") and Custom Fab have entered into discussions regarding limiting the scope of the Subpoenas, objections thereto, and the time required for Custom Fab to produce its documents and data and to conduct depositions. Specifically, Custom Fab objects to numbers 1 through 7 of the Subpoena *Duces Tecum*, which seek information that is confidential and proprietary in nature, and would be protected from discovery as trade secret.

3. Respondent McWane does not oppose an extension of time in order to afford Custom Fab's counsel sufficient time to continue negotiating with McWane's counsel on reasonable limitations and modification of McWane's requests to reduce or limit the scope of Custom Fab's production, thereby potentially avoiding the necessity of filing a motion to quash or limit the Subpoenas.

4. Counsel for McWane and Custom Fab did not discuss the length of the extension.

WHEREFORE, Custom Fab, Inc. respectfully requests that this Unopposed Motion for Extension of Time be granted, and that Custom Fab be given an extension to May 26, 2012, to move to limit or quash the Subpoenas issued by McWane, Inc.

DATED: April 16, 2012

RECORDED
FILED
MAY 11 2004
CLERK OF DISTRICT COURT
ORLANDO, FLORIDA

KILLGORE, PEARLMAN, STAMP,

ORNSTEIN & SQUIRES, P.A.

2 S. Orange Avenue, 5th Floor

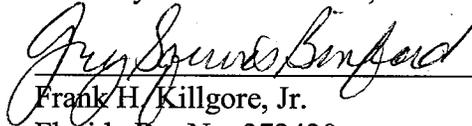
P. O. Box 1913

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Attorneys for Custom Fab, Inc.



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Florida Bar No. 749151

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PROPOSED ORDER

On April 16, 2012, non-party Custom Fab, Inc., a Florida corporation, filed an Unopposed Motion for Extension of Time for Custom Fab, Inc. to File Motion to Quash or Limit McWane, Inc.'s Subpoena *Duces Tecum* And Subpoena *Ad Testificandum*, which were served upon Custom Fab, Inc. on April 2, 2012. McWane, Inc.'s attorney has agreed to the request for an extension of time.

Therefore, Custom Fab, Inc.'s Motion is granted.

IT IS HEREBY ORDERED that the time in which Custom Fab, Inc. may serve a Motion to Quash or Limit McWane, Inc.'s Subpoena *Duces Tecum* And Subpoena *Ad Testificandum* is extended to May 26, 2012.

SO ORDERED on _____, 2012.

D. Michael Chappell
Administrative Law Judge

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PROOF OF SERVICE OF PUBLIC FILING AND CERTIFICATION

I, Grey Squires-Binford, hereby certify that on this 16th day of April, 2012, I caused a copy of the documents listed below to be served by overnight mail upon each of the following: The Office of the Secretary of the Federal Trade Commission (original); The Honorable D. Michael Chappell (one copy); and by electronic mail delivery 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 (jandalso@ftc.gov); Andrew K. Mann (amann@ftc.gov); Jeanine Balbach (jbabach@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); Brian Stoltz (Brian.Stoltz@tklaw.com); J. Alan Truitt (atruitt@maynardcooper.com); and, Thomas W. Thagard, III (tthagard@maynardcooper.com):

1. Statement of Good Standing (Grey Squires-Binford);
2. Unopposed Motion for Extension of Time for Custom Fab, Inc. to File Motion to Quash or Limit McWane, Inc.'s Subpoena *Duces Tecum* And Subpoena *Ad Testificandum*;
3. [Proposed] Order Regarding Custom Fab, Inc.'s Deadline to File Motion to Quash or Limit McWane, Inc.'s Subpoena *Duces Tecum* And Subpoena *Ad Testificandum*; and,
4. This Proof of Service.

I also certify that on this 16th day of April, 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 Avenue, NW
Washington, D.C. 20580

Joseph Ostoyich
Baker Botts, LLP
1299 Pennsylvania Avenue, NW
Washington, D.C. 20004

J. Alan Truitt
Maynard Cooper ad Gale, P.C.
1901 Sixth Avenue North 2400
Regions Harbert Plaza
Birmingham, AL 35203

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

DATED: April 16, 2012

KILLGORE, PEARLMAN, STAMP,
ORNSTEIN & SQUIRES, P.A.

2 S. Orange Avenue, 5th Floor

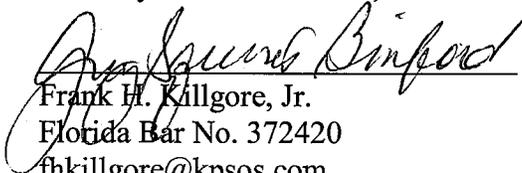
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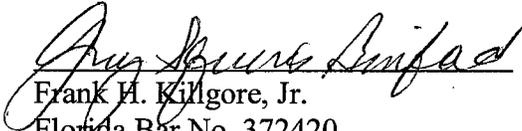
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STATEMENT OF GOOD STANDING PURSUANT TO 16 C.F.R. § 4.1

In connection with the Unopposed Motion for Extension of Time to File Motion to Quash or Limit McWane, Inc.'s Subpoena *Duces Tecum* And Subpoena *Ad Testificandum* served April 16, 2012, on behalf of non-party Custom Fab, Inc., and pursuant to 16 C.F.R. § 4.1(d), I state that I am eligible to practice before the Commission as a member of the State Bar of Florida, Bar No. 749151, and as a member of the Bar of the United States District Court, Middle District of Florida. As required by 16 C.F.R. § 4.1(d), I further state that I am a member of good standing within the legal profession.

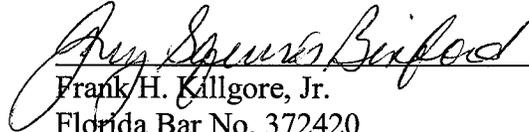
DATED at Orlando, Florida, on April 16, 2012.

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Grey Squires-Binford
Florida Bar No. 749151
gsquires@kpsos.com

DATED: April 16, 2012

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