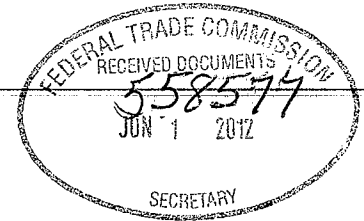


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

ORIGINAL



_____)
In the Matter of)
)
McWANE, INC.,)
a corporation, and)
)
STAR PIPE PRODUCTS, LTD.,)
a limited partnership,)
Respondents.)
_____)

DOCKET NO. 9351

**ORDER GRANTING UNOPPOSED MOTION FOR EXTENSION
OF TIME AND REVISED SCHEDULING ORDER**

On May 30, 2012, Respondent McWane, Inc. (“McWane”) filed an unopposed motion for extension of time. McWane moves for a seven day extension of time to respond and object to Complaint Counsel’s Requests for Admission, which it states were served on May 22, 2012 and responses to which are currently due on June 1, 2012. In addition, McWane moves for corresponding seven-day extensions to the deadlines in the Scheduling Order for the provision of expert reports.

In support of its motion, McWane states that it does not have sufficient time to adequately respond to the Requests for Admission in light of other, ongoing discovery being conducted during the time period that McWane has to respond and object. McWane represents that Complaint Counsel stated it expects McWane’s responses to the Requests for Admission to be used in Complaint Counsel’s expert’s report, and thus Complaint Counsel does not oppose the extension of time, provided there is a corresponding extension of the deadline for Complaint Counsel to provide its expert reports. McWane further states that the extension of the deadline for Complaint Counsel to provide expert witness reports would necessitate a similar extension of the deadline for McWane to provide expert witness reports and for Complaint Counsel to identify rebuttal experts and provide rebuttal expert reports.

McWane has demonstrated good cause for granting the requested extensions. Neither the hearing date in this matter, nor any other deadlines established by the Scheduling Order issued in this case would be affected. Accordingly, McWane’s motion is GRANTED.

The Revised Scheduling Order is as follows:

- June 1, 2012 - Close of discovery, other than discovery permitted under Rule 3.24(a)(4), depositions of experts, discovery for purposes of authenticity and admissibility of exhibits, and Respondent McWane's responses and objections to the May 22, 2012 Requests for Admission.
-
- June 1, 2012 - Deadline for filing "[m]otions to dismiss filed before the evidentiary hearing, motions to strike, and motions for summary decision" pursuant to Rule 3.22(a).
- June 8, 2012 - Deadline for Respondent McWane to serve its responses and objections to pending Requests for Admission.
- June 15, 2012 - Deadline for Complaint Counsel to provide expert witness reports.
- June 29, 2012 - Deadline for Respondents' Counsel to provide expert witness reports. Respondents' expert report shall include (without limitation) rebuttal, if any, to Complaint Counsel's expert witness report(s).
- July 6, 2012 - Complaint Counsel provides to Respondents' Counsel its final proposed witness and exhibit lists, including depositions or designated portions thereof, copies of all exhibits (except for demonstrative, illustrative or summary exhibits and expert related exhibits), Complaint Counsel's basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness.
- Complaint Counsel serves courtesy copies on ALJ of its final proposed witness and exhibit lists, its basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including its expert witnesses.
- July 12, 2012 - Complaint Counsel to identify rebuttal expert(s) and provide rebuttal expert report(s). Any such reports are to be limited to rebuttal of matters set forth in Respondents' expert reports. If material outside the scope of fair rebuttal is presented, Respondents will have the right to seek appropriate relief (such as striking Complaint Counsel's rebuttal expert reports or seeking leave to submit sur-rebuttal expert reports on behalf of Respondents).
- July 16, 2012 - Respondents' Counsel provides to Complaint Counsel its final proposed witness and exhibit lists, including depositions or designated portions thereof, copies of all exhibits (except for demonstrative, illustrative or summary exhibits and expert related exhibits), Respondents' basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness.

Respondents' Counsel serves courtesy copies on ALJ its final proposed witness and exhibit lists, its basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including its expert witnesses.

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| July 17, 2012 | - | Parties that intend to offer confidential materials of an opposing party or non-party as evidence at the hearing must provide notice to the opposing party or non-party, pursuant to 16 C.F.R. § 3.45(b). |
| July 24, 2012 | - | Deadline for depositions of experts (including rebuttal experts) and exchange of expert related exhibits. |
| July 24, 2012 | - | Exchange deposition transcript counter-designations. |
| July 27, 2012 | - | Deadline for filing motions for <i>in camera</i> treatment of proposed trial exhibits. |
| July 27, 2012 | - | Deadline for filing motions <i>in limine</i> to preclude admission of evidence. |
| August 7, 2012 | - | Deadline for filing responses to motions for <i>in camera</i> treatment of proposed trial exhibits. |
| August 7, 2012 | - | Deadline for filing responses to motions <i>in limine</i> to preclude admissions of evidence. |
| August 16, 2012 | - | Exchange and serve courtesy copy on ALJ objections to final proposed witness lists and exhibit lists. |
| August 16, 2012 | - | Exchange objections to the designated testimony to be presented by deposition and counter-designations. |
| August 17, 2012 | - | Complaint Counsel files pretrial brief supported by legal authority. |
| August 21, 2012 | - | Exchange proposed stipulations of law, facts, and authenticity. |
| August 24, 2012 | - | Respondents' Counsel files pretrial brief supported by legal authority. |
| August 28, 2012 | - | File final stipulations of law, facts, and authenticity. Any subsequent stipulations may be offered as agreed by the parties. |
| August 30, 2012 | - | Final prehearing conference to begin at 10:00 a.m. in FTC Courtroom, Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580. |

The parties are to meet and confer prior to the conference regarding

trial logistics and proposed stipulations of law, facts, and authenticity of exhibits and any designated deposition testimony. To the extent the parties stipulate to certain issues, the parties shall prepare a Joint Exhibit which lists the agreed stipulations.


Counsel may present any objections to the final proposed witness lists and exhibits, including to any designated deposition testimony. Trial exhibits will be admitted or excluded to the extent practicable. To the extent the parties agree to the admission of each other's exhibits, the parties shall prepare a Joint Exhibit which lists the exhibits to which neither side objects. Any Joint Exhibit will be signed by each party with no signature for the judge required.

September 4, 2012 - Commencement of Hearing, to begin at 10:00 a.m. in FTC Courtroom, Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

All Additional Provisions to the February 15, 2012 Scheduling Order remain in effect. The parties are reminded that they must comply with Additional Provision 1 which states:

1. For all papers that are required to be filed with the Office of the Secretary, the parties shall serve a courtesy copy on the Administrative Law Judge by electronic mail to the following email address: oalj@ftc.gov. The courtesy copy should be transmitted at or shortly after the time of any electronic filing with the Office of the Secretary. The oalj@ftc.gov email account is to be used only for courtesy copies of pleadings filed with the Office of the Secretary and for documents specifically requested of the parties by the Office of Administrative Law Judges. **The subject line of all submissions to oalj@ftc.gov shall set forth only the Docket Number and the title of the submission.** Service by email shall be followed promptly by delivery of one hard copy by the next business day. In any instance in which a courtesy copy of a pleading for the Administrative Law Judge cannot be effectuated by electronic mail, counsel shall hand deliver a hard copy to the Office of Administrative Law Judges. Discovery requests and discovery responses shall not be submitted to the Office of Administrative Law Judges. The parties are reminded that all filings with the Office of the Secretary, including electronic filings, are governed by the provisions of Commission Rule 4.3(d), which states: "Documents must be received in the Office of the Secretary of the Commission by 5:00 p.m. Eastern time to be deemed filed that day. Any documents received by the agency after 5:00 p.m. will be deemed filed the following business day."

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: June 1, 2012