

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



In the Matter of

McWANE, INC.,
a corporation.

PUBLIC

Docket No. 9351

**RESPONSE OF SIGMA CORPORATION TO
COMPLAINT COUNSEL'S MOTION TO EXCLUDE EVIDENCE RELATING TO
ADVICE RELATED TO DIFRA AND ITS OPERATIONS, OR IN THE ALTERNATIVE,
TO COMPEL RELATED DISCOVERY**

1. SIGMA Corporation ("SIGMA"), through undersigned counsel, hereby responds to Complaint Counsel's motion requesting the Administrative Law Judge "to exclude evidence relating to advice related to DIFRA and its operations, or in the alternative, to compel related discovery."

2. SIGMA is no longer a party to this proceeding and takes no position regarding Complaint Counsel's request to exclude evidence.

3. Furthermore, SIGMA cannot respond to Complaint Counsel's request to reopen discovery, because Complaint Counsel has not identified any specific discovery they seek against SIGMA. Accordingly, SIGMA reserves its right to object until such time as Complaint Counsel identifies a specific request to SIGMA. In addition, SIGMA objects to any ruling that would require SIGMA to provide additional discovery without the opportunity to object to specific requests and/or respond to whatever arguments Complaint Counsel may make in response to SIGMA's objections.

Dated: July 9, 2012

Respectfully submitted,

/s/ Matthew A. White
Matthew A. White

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**ORDER REGARDING ALTERNATIVE RELIEF REQUESTED BY COMPLAINT
COUNSEL IN MOTION TO EXCLUDE EVIDENCE**

Complaint Counsel has filed a Motion to Exclude Evidence Relating to Advice Related to DIFRA and Its Operations, or in the Alternative, to Compel Related Discovery, in which for alternate relief, Complaint Counsel request that the undersigned “compel the production of any DIFRA related documents that have been withheld on the basis of privilege and permit Complaint Counsel to re-depose DIFRA’s counsel and its Members related to the substance of that advice.” SIGMA Corporation (“SIGMA”) has filed a response to Complaint Counsel’s motion, in which SIGMA takes no position on the issue of excluding evidence but does note that Complaint Counsel have not identified any specific discovery sought against SIGMA. Finding that SIGMA’s response is well-taken, it is ORDERED that Complaint Counsel’s request for alternate relief is denied as to SIGMA.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date: _____

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Certificate of Service and Regarding Electronic Submission

I certify that on July 9, 2012, I submitted the "Response to SIGMA Corporation to Complaint Counsel's Motion to Exclude Evidence Relating to Advice Related to DIFRA and Its Operations, or in the Alternative, to Compel Discovery" along with a proposed order, electronically in PDF format using the FTC's E-Filing System, and also served a copy of the foregoing document on the following by the method indicated:

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Administrative Law Judge
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Washington, DC 20580

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I also certify that the electronic PDF copy of the foregoing document sent to the Secretary of the Commission via the FTC E-Filing System is a true and correct copy of the original in my possession, which is available for review by the parties and the adjudicator.

/s/ Matthew A. White
Matthew A. White