

ORIGINAL

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



In the Matter of  
McWANE, INC.,  
a corporation.

PUBLIC

DOCKET NO. 9351

**UNOPPOSED MOTION FOR EXTENSION OF TIME FOR NON-PARTY U.S. PIPE & FOUNDRY COMPANY, INC. TO FILE MOTION FOR *IN CAMERA* TREATMENT OF COMPLAINT COUNSEL AND MCWANE, INC. TRIAL EXHIBITS**

1. On or about July 17, 2012, Federal Trade Commission ("FTC") Complaint Counsel and counsel for Respondent McWane, Inc. ("McWane") provided notice by correspondence that they have designated certain documents, data and deposition testimony of U.S. Pipe (the "U.S. Pipe Confidential Materials") for possible introduction as exhibits at the hearing in this matter.
2. Complaint Counsel and counsel for McWane have indicated that the deadline for U.S. Pipe's motion for *in camera* treatment of any U.S. Pipe Confidential Materials is Friday July 27, 2012.
3. U.S. Pipe and its counsel are in the process of reviewing the U.S. Pipe Confidential Materials and identifying those for which U.S. Pipe will seek *in camera* treatment. However, additional time is needed to complete the review process and to prepare the requisite showing under 16 C.F.R. § 3.45(b) that those U.S. Pipe Confidential Materials are entitled to *in camera* treatment.
4. Therefore, U.S. Pipe requests that this Court grant it an additional two (2) business days until Tuesday July 31, 2012 to file a motion for *in camera* treatment.

5. Counsel for U.S. Pipe have conferred with Complaint Counsel and McWane's counsel and neither opposes this motion.

Dated: July 25, 2012

Respectfully submitted,

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and U.S. Pipe & Foundry Company, Inc.*

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**In the Matter of  
McWANE, INC.,  
a corporation.**

**PUBLIC**

**DOCKET NO. 9351**

**[PROPOSED] ORDER ON MOTION OF NON-PARTY U.S. PIPE & FOUNDRY  
COMPANY, INC. FOR EXTENSION OF TIME TO MOVE FOR *IN CAMERA*  
TREATMENT OF PROPOSED COMPLAINT COUNSEL AND MCWANE, INC.  
TRIAL EXHIBITS**

On July 25, 2012, non-party U.S. Pipe & Foundry Company, Inc. ("U.S. Pipe") filed an Unopposed Motion for Extension of Time to file a motion for *in camera* treatment ("Motion").

Under the Scheduling Order in this matter, the deadline for submitting motions for *in camera* treatment under Rule 3.45(b) is Friday July 27, 2012. U.S. Pipe seeks an order extending the deadline to Tuesday July 31, 2012.

U.S. Pipe states that Complaint Counsel and Respondent McWane's counsel provided notice, by correspondence dated July 17, 2012, that they may seek to introduce into evidence at trial certain documents, data and deposition testimony of U.S. Pipe. U.S. Pipe further states that it is in the process of reviewing the materials and identifying those materials or documents for which U.S. Pipe will seek *in camera* treatment but that additional time is necessary to complete that process and prepare a motion making the requisite showing.

U.S. Pipe further states that it has conferred with Complaint Counsel and Respondent McWane's counsel and that they do not oppose the requested extension of time.

Based on the foregoing, there is good cause to grant U.S. Pipe an extension of time to file a motion for *in camera* treatment. 16 C.F.R. § 3.21(c). Accordingly, the Motion is GRANTED. It is hereby ORDERED that the deadline for non-party U.S. Pipe to file a motion for *in camera* treatment shall be Tuesday July 31, 2012.

ORDERED:

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

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

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**In the Matter of**

**McWANE, INC.,  
a corporation.**

**DOCKET NO. 9351**

**PROOF OF SERVICE OF PUBLIC FILING AND CERTIFICATION**

I, Michael L. Hitsky, hereby certify that on this 25th day of July, 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 (two copies),

and by *electronic mail* to the Honorable D. Michael Chappell ([oyalj@ftc.gov](mailto:oyalj@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 ([jbalbach@ftc.gov](mailto:jbalbach@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)); Alan Truitt ([atruitt@maynardcooper.com](mailto:atruitt@maynardcooper.com)); Thomas Thagard III ([tthagard@maynardcooper.com](mailto:tthagard@maynardcooper.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) Motion for Extension of Time to File Motion for *In Camera* Treatment;
- (2) [Proposed] Order Granting Motion for Extension of Time to File Motion for *In Camera* Treatment; and
- (3) This Proof of Service.

I also certify that on this 25th day of July, 2012, I caused to be served one copy via Federal Express of the foregoing documents upon:

Edward Hassi  
U.S. Federal Trade Commission  
600 Pennsylvania Ave., NW  
Washington, DC 20580

Thomas W. Thagard III  
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July 25, 2012

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