

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)
)
McWANE, INC.,) PUBLIC
a corporation and)
)
STAR PIPE PRODUCTS, LTD.,) DOCKET NO. 9351
a limited partnership)



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

COMES NOW EVERETT J. PRESCOTT, INC., BY AND THROUGH ITS COUNSEL
AND MOVES AS FOLLOWS:

1. On or about February 29, 2012, counsel for respondent McWane, Inc. ("McWane") served on Everett J. Prescott, Inc. ("EJP") by registered mail a Subpoenas *Duces Tecum* and Subpoenas *Ad Testificandum* (the "Subpoenas") containing requests for documents and data, with a response date of March 23, 2012, and a deposition date of March 29, 2012.
2. Pursuant to the Federal Trade Commission's Rules of Practice, 16 C.F.R. § 3.34(c), EJP has ten (10) days in which to file a motion to quash or to limit the Subpoenas, which results in a deadline of March 13, 2012.
3. Counsel for EJP and McWane are engaged in negotiations regarding the scope of McWane's requests, objections by EJP thereto and the time required for EJP to produce responsive documents and data and conduct of the deposition. To facilitate those negotiations, EJP has requested that McWane counsel agree that EJP shall have an additional thirteen (13) days in which to file a motion to quash or a motion to limit the Subpoenas should EJP and McWane be unable to resolve all issues regarding EJP's response to the Subpoenas.

4. Therefore, EJP requests that this Court grant it until March 26, 2012 to file a motion to quash or to limit the Subpoenas, and that EJP's obligation to complete its response to the Subpoenas shall be tolled during that period.

5. This extension has been agreed upon in order to afford EJP counsel sufficient time to negotiate with McWane counsel regarding reasonable limitations and modifications of McWane's requests to reduce the burden on EJP of responding, and thereby to potentially avoid the necessity of filing a motion to quash or to limit the Subpoenas.

6. Undersigned counsel represents that he has conferred with McWane counsel and that McWane counsel does not object to the proposed extension.

Dated at Augusta, Maine this 12th day of March 2012.



Michael A. Hodgins, Maine Bar #007741
Attorneys for Everett J. Prescott, Inc.

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In the Matter of)
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**[PROPOSED] ORDER REGARDING EVERETT J. PRESCOTT, INC.'S
DEADLINE TO FILE MOTION TO QUASH OR TO LIMIT
MCWANE, INC.'S SUBPOENA *DUCES TECUM* AND
SUBPOENA *AD TESTIFICANDUM***

Everett J. Prescott, Inc. ("EJP") proposes the entry of an Order regarding EJP's Response to McWane, Inc.'s Subpoena *Duces Tecum* and Subpoena *Ad Testificandum*, extending EJP's deadline to file a motion to quash or to file a motion to limit McWane, Inc.'s Subpoenas until and including March 26, 2012, and tolling EJP's obligation to complete its response to McWane, Inc.'s Subpoenas during that period.

Good cause having been shown,

IT IS SO ORDERED:

That the Unopposed Motion for Extension of Time for Everett J. Prescott, Inc. to File Motion to Quash or To Limit McWane, Inc.'s Subpoena *Duces Tecum* and Subpoena *Ad Testificandum* is GRANTED; and

EJP's deadline to file a motion to quash or to file a motion to limit McWane, Inc.'s Subpoenas is hereby extended until and including March 26, 2012, and EJP's obligation to complete its response to McWane, Inc.'s Subpoenas is tolled during that period.

Dated: _____

D. Michael Chappell
Administrative Law Judge

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PROOF OF SERVICE OF PUBLIC FILING AND CERTIFICATION

I, Michael A. Hodgins, hereby certify that on this 12th day of March 2012, I caused a copy of the documents listed below to be served *by mail* on each of the following: The Office of the Secretary of the Federal Trade Commission (original) and the Honorable D. Michael Chappell (one copy), and *by electronic mail* 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 (jansaldo@ftc.gov); Andrew K. Mann (amann@ftc.gov); Jeanine Balbach (jbalsbach@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) NOTICE OF APPEARANCE;
- (2) Statement of Good Standing (Michael A. Hodgins);
- (3) Unopposed Motion for Extension of Time for Everett J. Prescott, Inc. to File Motion to Quash or to Limit Respondent Counsel's Subpoena *Duces Tecum* and Subpoena *Ad Testificandum*;

- (4) [Proposed] Order Regarding Everett J. Prescott, Inc. Deadline to File Motion to Quash or to Limit McWane, Inc.'s Subpoena *Duces Tecum* and Subpoena *Ad Testificandum*;
- (5) This Proof of Service.

I also certify that on this 12th 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
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March 12, 2012



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