

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION



\_\_\_\_\_  
In the Matter of )  
 )  
MSC.SOFTWARE CORPORATION, )  
a corporation. )  
\_\_\_\_\_ )

Docket No. 9299

**ORDER ON COMPLAINT COUNSEL'S MOTION TO COMPEL  
COMPLIANCE WITH FIRST DOCUMENT REQUEST**

**I.**

On December 27, 2001, Complaint Counsel filed a motion to compel compliance with Complaint Counsel's First Request for Production of Documents and Things. Respondent MSC Software Corporation ("MSC") filed an opposition on January 7, 2002. Complaint Counsel filed a response on January 11, 2002.

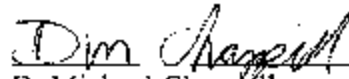
For the reasons set forth below, Complaint Counsel's motion is DENIED WITHOUT PREJUDICE.

**II.**

Complaint Counsel served its First Request for Production of Documents and Things (Hereinafter "Document Request") on November 21, 2001. Complaint Counsel's motion asserts that MSC's response to its document request is deficient in several aspects. MSC asserts that it has been working to resolve the disputes. Complaint Counsel's response acknowledges that MSC has dropped many of its earlier objections and has agreed to search for and produce responsive documents. However, Complaint Counsel asserts that MSC continues to refuse to comply in certain aspects.

To the extent that MSC has made representations about documents it will produce or steps it will take to comply with Complaint Counsel's discovery request and has not yet fulfilled those representations, MSC is hereby ORDERED to do so. Complaint Counsel's motion is DENIED WITHOUT PREJUDICE. If the parties are unable to resolve this dispute by January 25, 2002, Complaint Counsel may file a renewed motion to compel.

ORDERED:

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

Date: January 18, 2002