



Exhibit A -- omitted from Complaint Counsel's Motion). Specifically, we needed to know Complaint Counsel's position on discovery before deciding whether to move for reconsideration of your Honor's Order and whether and when to file a motion to compel Complaint Counsel to respond to MSC's

depositions or that we were disregarding the Order. In fact, after receiving your Honor's Order, Counsel for MSC contacted the remaining witnesses to obtain dates that they would be available for

We respectfully request that Complaint Counsel's Motion be denied.

DATED: 10/25/11

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CERTIFICATE OF SERVICE

This is to certify that on January 22, 2002, I caused a copy of the attached MSC Software Corporation's Response to Complaint Counsel's Emergency Motion to be served upon the

1

following persons by hand:

Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, DC 20580

Richard B. Dagen, Esquire  
Federal Trade Commission  
601 Pennsylvania Avenue, N.W.  
Washington, DC 20580

P. Abbott McCartney  
Federal Trade Commission  
601 Pennsylvania Avenue N W





**Tefft Smith**

01/18/2002 03:01 PM

.....

To: Pmcartney@ftc.gov, kmills@ftc.gov  
cc:

Subject: Communication

[REDACTED]

[REDACTED]

[REDACTED]

Abbot/Karen

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

[REDACTED]

Kirkland & Ellis  
655 15<sup>th</sup> Street, N.W.  
Washington, DC 20005

January 18, 2002

*Via Fax*

[REDACTED]

Dear Mr. Smith,

We are concerned about your apparent unwillingness to proceed with the scheduling of depositions pursuant to Judge Chappell's Order of January 17, 2002.

In order to schedule the depositions and complete them pursuant to Judge Chappell's Order compelling Defendants' deponents to appear for deposition, we contacted Maximilian Skuhaj

[REDACTED]



Tefft W. Smith  
January 18, 2002

Page 2 of 2

In the telephone messages we left with Marimichael today, we also said that we would like to

meet with you as soon as possible, preferably today, to discuss your compliance with Complaint

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** <tefft\_smith@dc.kirkland.com>  
**To:** FTC.SERIUS("knills@ftc.gov", "pmccartney@ftc.gov")  
**Date:** 1/19/02 2:14PM  
**Subject:** Dkt. 9299

Karen/Abbott

Your letter late Friday underscores the issues between us. While you continue to demand and insist that we do things and talk to you about what we are going to do, you refuse to do anything in response or to be willing to talk about your discovery obligations. And, you knowingly misrepresent what we do say and do.

[REDACTED]