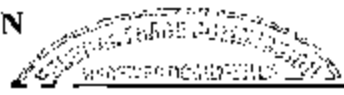


BEFORE FEDERAL TRADE COMMISSION



In the Matter of

CHICAGO BRIDGE & IRON COMPANY N.V.
a foreign corporation,

CHICAGO BRIDGE & IRON COMPANY,
a corporation, and

PITT-DES MOINES, INC.,
a corporation.

DOCKET NO. 9300

~~CONFIDENTIAL INFORMATION~~

(1) the material sought is reasonable in scope;

(2) the material sought falls within the limits of discovery under § 3.31(c)(1);

(3) the material sought is not otherwise available to the party seeking discovery.

means; and

be attempted unless domestic discovery and voluntary arrangements have been exhausted or are not available:

Indeed, the tests provided in § 3.36(b) provide a framework that closely tracks the prerequisites for foreign discovery as commonly recognized by treaty, custom and

[REDACTED]

[REDACTED]

discovery outweighs its likely benefit.

Complaint Counsel, in its opposition, states that Respondents have already issued subpoenas *duces tecum* and *subpoenas ad testificandum* directing thirteen companies to designate one or more officers, directors, managing agents, or other persons to testify on their

subpoenaed. (1) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

available in a manner that is more convenient, less burdensome, and less expensive than foreign discovery.

cannot reasonably be obtained by other means

showing in their motion that they have contacted the foreign companies to determine whether they will voluntarily provide documents, statements, or deposition testimony.

permitted by treaty, law, custom or practice in the country from which the discovery is sought and that any additional procedural requirements have

To make a good faith showing that the discovery requested would be materially relevant.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]