

III.

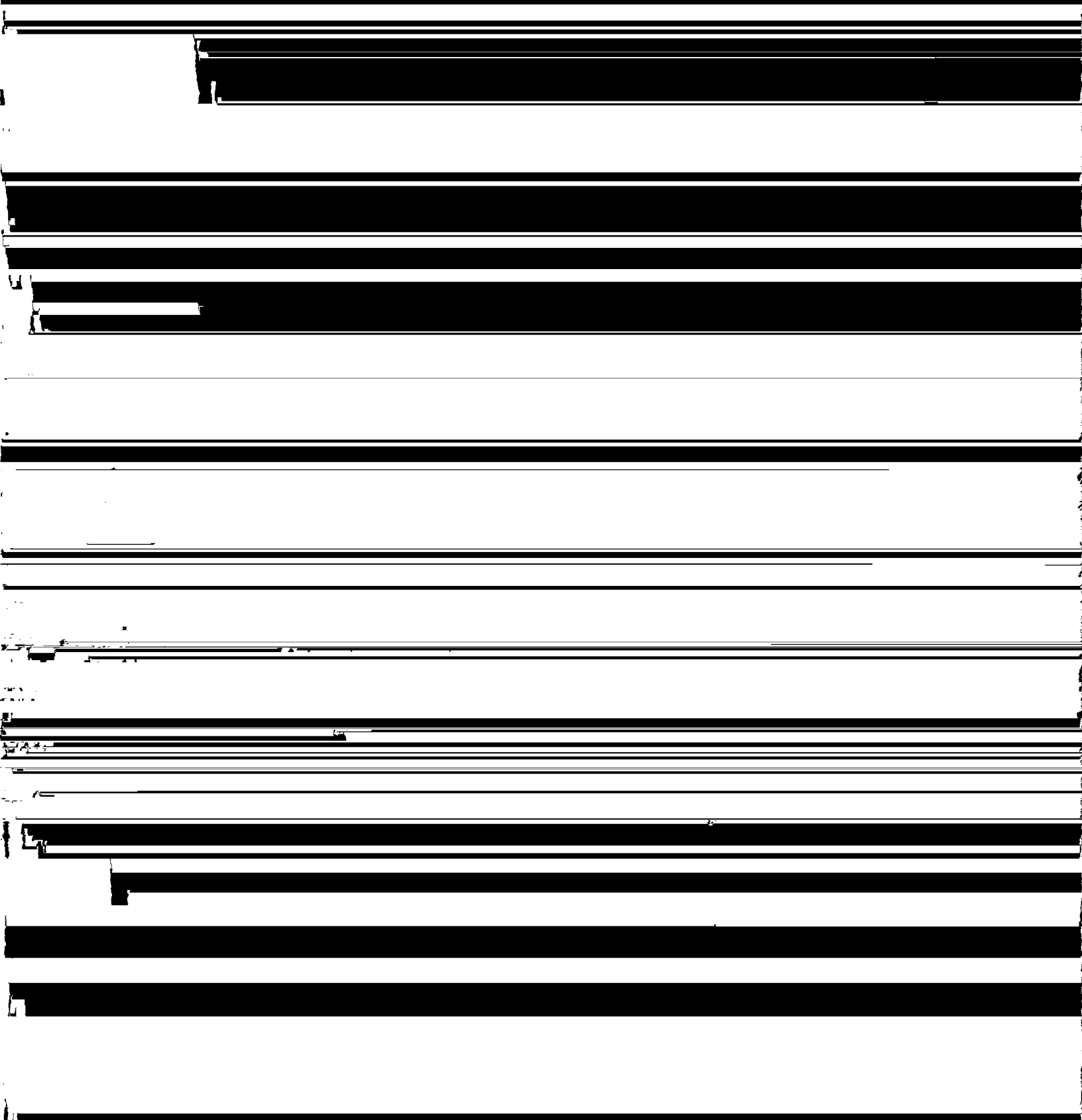
A. The California Action

Hunter Labs states that it filed a *qui tam* action against LabCorp and other

court-appointed Special Master denied LabCorp's motion to compel responses from Hunter Labs to certain discovery requests. The resolution of a discovery dispute in another action involving different parties, claims, and defenses, and brought under

C. Scope of the Subpoena

Discovery shall be limited by the Administrative Law Judge if he or she determines that: (i) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; or (iii) the burden and expense of the proposed discovery outweigh its



impose a substantial degree of burden, inconvenience, and cost, that will not excuse producing information that appears generally relevant to the issues in the proceeding.” *In re Polypore Int’l, Inc.*, 2009 FTC LEXIS 41, at *10 (Jan. 15, 2009); *In re Kaiser Alum. & Chem. Co.*, 1976 FTC LEXIS 68 at *19-20 (Nov. 12, 1976). Information from competitors is frequently crucial in proceedings such as this one. See *In re North Tex. Specialty Phys.*, 2004 FTC LEXIS 20, *4 (Feb. 5, 2004) (citing *Service Liquor Distributors, Inc. v. Calvert Distillers Corp.*, 16 F.R.D. 507, 509 (S.D.N.Y. 1954)). Information from a company whose founder is listed as expected to testify at trial on its ability to enter and expand into a relevant market is relevant to the allegations of the Complaint and the defenses of Respondents.

Hunter Labs has provided no specific information regarding the burden or expense involved in producing the requested documents other than its unsupported statement that the requests would take months and tens or even hundreds of thousands of dollars to comply with. A movant’s general allegation that a subpoena is unduly burdensome is insufficient to carry its burden of showing that the requested discovery should be denied. *In re Polypore Int’l, Inc.*, 2009 FTC LEXIS 41, at *10 (Jan. 15, 2009). Hunter Labs has failed to meet its burden of demonstrating that the Subpoena is unduly burdensome or that the burden or expense of the discovery outweighs its likely benefit.