

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

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In the Matter of ) PUINT  
COUNSEL’S MOTION TO COMPEL ANSWERS  
TO INTERROGATORY NOS. 13-16

Pursuant to Rule 3.38 of the Federal Trade Commission’s Rules of Practice for  
Judicative Proceedings, Respondent McWane, Inc. (“McWane”) respectfully requests that the  
Court deny Complaint Counsel’s Motion to Compel Respondent McWane, Inc.’s Answers to  
Interrogatories 13-16 (“Motion”), because the three specific interrogatories at issue in Complaint  
Counsel’s Motion consist of at least eight distinct subparts.

<sup>1</sup> Complaint Counsel (“CC”) has  
therefore exceeded its allotted number of interrogatories and permissible subparts as of  
Interrogatory 12, inclusive.

**I. FACTUAL BACKGROUND**

On February 21, 2012, CC served its interrogatories on McWane. On March 22, 2012,  
Respondent served its answers and objections to CC’s Interrogatories and supplemented those  
answers on March 27, 2012.

The vast majority of CC’s Interrogatories contain requests for multiple, distinct pieces of  
information. Thus, they exceeded the twenty-five interrogatories permitted by the scheduling  
order. In its Motion, CC challenges only three of McWane’s objections to its tactic of lumping  
multiple distinct requests under a single Interrogatory.

<sup>1</sup> McWane expressly reserves its relevance objections and all other general and specific objections contained in its  
Interrogatory responses (including objections to Interrogatories 13-16), *e.g.*, undue burden, and does not intend by  
this opposition to relinquish its objections.

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Dated: April 11, 2012

/s/ J. Alan Truitt

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**CERTIFICATE OF SERVICE**

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