UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRATIVE LAW JUDGES



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	McWANE INC)	,
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	STAR PIPE PRODUCTS, LTD.,)	
	a limited partnership,)	
	Respondents.	<i>)</i>	

ORDER DENYING MOTION TO QUASH SUBPOENA AD TESTIFICANDUM

I.

On August 31, 2012, non-party Sigma Corporation ("Sigma") filed a motion to quash a subpoena *ad testificandum* served on it by Complaint Counsel on August 28, 2012 ("Motion"). Complaint Counsel filed its Opposition to the Motion on September 5, 2012 ("Opposition"). For the reasons set forth below, Sigma's Motion is DENIED.

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	2.21(-)(2) = 1.2.24(.) = 4	1 .1 . 201	1	•
•	3.31(c)(2) and $3.34(c)$, on the	grounds that: (1) the remaining	ng discovery sought from Sign	na is
	unreasonably cumulative; (ii)	Complaint Counsel has had	ample opportunity to obtain the	
•	information now sought; and (111) the burden of the propos	sed discovery on Sigma outweig	ghs the
	benefit.			
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	Complaint Councel age	auta that it has been meastine	and conforming with command for	

	(c) Admissibility of third party documents. Extrinsic evidence of authenticity as a condition precedent to admissibility of documents received from third parties is not required with respect to the original or a duplicate of a domestic record of regularly conducted activity by that third party that otherwise meets the standards of admissibility described in paragraph (b) if accompanied by a written	
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· ·	any Act of Congress or rule prescribed by the Supreme Court pursuant to	
	statutory authority, certifying that the record:	
1	(1) was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;	
i	or nom mornation transmitted by, a person with knowledge of mose matters;	
1 	(2) was kept in the course of the regularly conducted activity; and	
	(3) was made by the regularly conducted activity as a manufacture of	
-	(3) was made by the regularly conducted activity as a regular practice	

	Counsel notes, Sigma need not present those same witnesses in response to the subpoena.
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	the record keeping practices of the business. See Rule 3.43(c) (permitting a written declaration
	from a document's "custodian or other qualified person"); Commodities Future Trading
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