

III.

Pursuant to FTC Rule 3.33(c), a party may notice a deposition naming the deponent any bureau of the Federal Trade Commission, and describe with reasonable particularity the matters on which examination is requested. 16 C.F.R. § 3.33(c)(1). The organization so named shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which he or she will testify. 16 C.F.R. § 3.33(c)(1).

Pursuant to FTC Rule 3.31(c)(1), the permissible scope of discovery is limited to information that may be reasonably expected to yield information relevant to the allegations of the complaint, to the proposed relief, and to the defenses of any respondent. 16 C.F.R. § 3.31(c)(1).

Notwithstanding the general scope of permissible discovery, rules require that G L V F R Y be limited in order to preserve the privilege of a . . . governmental agency. . . 16 C.F.R. § 3.31(c)(4).

The Rules further require that discovery be limited when the Administrative Law Judge determines that:

- (i) The discovery sought from a party or third party is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive;
- (ii) The party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or
- (iii) The burden and expense of the proposed discovery on a third party outweigh its likely benefit.

16 C.F.R. § 3.31(c)(2).

³ § SDUW\ VHHNLQJ WR TXDVK D VXESRHQD KDV WKH E discovery should be denied in re Polypore Int'l, Inc., 2008 FTC LEXIS 155, 2008 WL 4947490, at *6 (Nov. 14, 2008) (denying motion to quash subpoena duces tecum). In re Otto Bock HealthCare N. Am., Inc., 2018 FTC LEXIS 48 at *4 (Mar. 28, 2018).

IV.

Topics 1, 2 and 8

These topics seek deposition testimony on the following

1. The clearance process or other decision-making used to determine whether the FTC or > ' H S D U W P H Q W O R '] will investigate a particular proposed

Based on the foregoing, as to topics 4 & R P S O D L Q W & R X Q V H O ¶ V 0 R W L F
GRANTED.

V.

) R U W K H D E R Y H V W D W H G U H D V R Q V & R P S O D L Q W & R X Q

ORDERED:

D. Michael Chappell