

Interlocutory Orders, Etc.

IN THE MATTER OF

**MCWANE, INC.
AND
STAR PIPE PRODUCTS, LTD.**

Docket No. 9351. Order, August 6, 2012

Order denying respondent's motion requesting the Commission conduct an oral argument on motions for summary disposition.

ORDER DENYING REQUEST FOR ORAL ARGUMENT

On June 8, 2012, Respondent McWane, Inc. (hereinafter "Respondent") filed a Motion For Summary Decision, and Complaint Counsel filed a Motion For Partial Summary Decision. On July 3, 2012, Respondent filed a Notice of Request For Oral Argument (hereinafter "Motion") in which Respondent requested "oral argument on the pending motions for summary disposition." Although the filing is styled as a Notice of Request, the Commission has determined to treat the filing as a Motion which Complaint Counsel have not opposed.¹

Commission Rule 3.52(h), 16 C.F.R. § 3.52(h), provides in relevant part that "oral argument will be held in all cases on appeal or review to the Commission, unless the Commission otherwise orders . . ." There is no equivalent rule addressing oral argument relating to motions for summary disposition. Moreover, Respondent's Motion does not provide an explanation as to why oral argument is necessary.² The parties have filed extensive briefs covering the issues presented by the motions for summary disposition, and oral argument is not likely to provide any additional information not already thoroughly addressed in those

¹ Commission Rule 3.22(d), 16 C.F.R. § 3.22(d), provides that if a party opposing a given Motion does not file an Answer, the party will be deemed to have consented to granting the relief requested in the Motion.

² Indeed, although Commission Rule 3.22(c), 16 C.F.R. § 3.22(c), provides in relevant part that all Motions must state "the grounds" for the action requested, Respondent's Motion states only that "McWane respectfully requests oral argument on the pending motions for summary disposition."

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briefs and the related materials.³ The Commission has therefore determined that oral argument is not necessary to determine the issues currently pending before the Commission. Accordingly,

IT IS ORDERED that Respondent's Motion requesting that the Commission conduct an oral argument be, and it hereby is, **DENIED**.

By the Commission.

³ The Commission relied on these same principles to determine not to conduct an oral argument in *In the Matter of Gemtronics, Inc., and William H. Isely*, Docket No. 9330 (addressing the Respondents' appeal from the Initial Decision on their application for attorney fees and other expenses). See Order Dispensing With Oral Argument (October 7, 2010), available at <http://www.ftc.gov/os/adjpro/d9330/101007gemtronicsorder.pdf>.

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IN THE MATTER OF

MCWANE, INC.

AND

STAR PIPE PRODUCTS, LTD.

Docket No. 9351. Order, August 9, 2012

Order denying respondent's Motion for Summary Decision and Complaint Counsel's Motion for Partial Summary Decision.

**ORDER DENYING RESPONDENT'S MOTION FOR SUMMARY
DECISION AND COMPLAINT COUNSEL'S MOTION FOR PARTIAL
SUMMARY DECISION**

On June 8, 2012, Respondent McWane, Inc. filed a Motion For Summary Decision, and Complaint Counsel filed a Motion For Partial Summary Decision. The Commission has considered both Motions, as well as both parties' memoranda of law in support of and in opposition to these Motions. For the reasons set forth in the accompanying Opinion, the Commission has determined to deny both Motions. Accordingly,

I.

IT IS ORDERED THAT Respondent's Motion For Summary Decision be, and it hereby is, **DENIED**; and

II.

IT IS FURTHER ORDERED THAT Complaint Counsel's Motion for Partial Summary Decision be, and it hereby is, **DENIED**.

By the Commission.