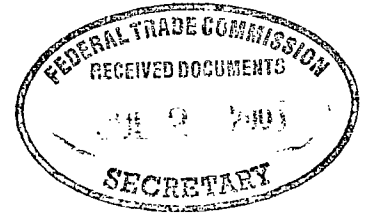


UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION



COMMISSIONERS: Timothy J. Muris, Chairman  
Sheila F. Anthony  
Mozelle W. Thompson  
Orson Swindle  
Thomas B. Leary

In the Matter of )  
)  
)

CHICAGO BRIDGE & IRON COMPANY N.V., )  
a foreign corporation, )  
)  
)

CHICAGO BRIDGE & IRON COMPANY, )  
a corporation, and )  
)  
)

PITT-DES-MOINES, INC., )  
a corporation. )  
)  
)

Docket No. 9300

**RESPONDENTS' MOTION FOR EXTENSION OF TIME  
TO FILE APPEAL BRIEF**

Respondents respectfully request that the Commission grant Respondents an additional twenty-one days in which to file their initial appeal brief. Respondents respectfully submit that an extension of time is appropriate due to the complexity of this matter. In support of their request for an extension of time, Respondents state the following:

**Procedural History**

1. The complaint in this matter was issued on October 25, 2001. The trial began on November 12, 2002, and concluded on January 16, 2003. Upon motions by the parties and by various orders issued, the deadline for filing the Initial Decision was extended to April 28, 2003.

2. Upon request by Judge Chappell and by Order from the Commission issued on April 24, 2003, the date for the filing of an Initial Decision was again extended until June 12, 2003. In support of his request for an extension of time in which to file an Initial Decision, Judge Chappell noted that there were 34 days of trial spanning over two months which included testimony of over 40 witnesses, hundreds of admitted exhibits and over 8,000 pages of trial transcript.

3. On June 12, 2003, Judge Chappell issued an Initial Decision and Order which found Respondents to be in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18, and Section 5 of the FTC Act, in each of the four product markets alleged by Complaint Counsel. Judge Chappell also ordered the complete divestiture of all of the assets acquired by Respondents.

4. On June 26, 2003, Complaint Counsel filed a notice of appeal. In response, Respondents filed a notice of appeal on July 2, 2003.

5. Respondents have asked Complaint Counsel to join in this motion. At this time, Complaint Counsel is still considering whether to join in this motion.

#### **Request for Extension of Time**

6. Despite the fact that Complaint Counsel filed its notice of appeal first, Respondents must file the initial brief in the appellate process; this brief is due on July 23, 2003. *See* Rule 3.52(b). Respondents respectfully submit that a twenty-one day extension of time for filing an appeal brief is appropriate due to the complexity of this matter, the length of the trial, the size of the corresponding record, and the length of the initial decision.

7. The current case is analogous to simultaneously reviewing four separate cases tried under Section 7. Contrary to many cases brought before the Commission, the instant

case involves four separate and distinct product markets: LNG storage tanks; LPG storage tanks; LIN/LOX storage tanks; and thermal vacuum chambers. Judge Chappell found against Respondents in each of the four product markets.

8. In addition to the four separate markets, an extension of time is justified due to the length of the trial and the size of the trial record. As observed by Judge Chappell himself, this trial took over two months, involved several dozen live witnesses, hundreds of admitted exhibits, and thousands of pages of trial transcript. Further the parties submitted over 2,000 pages of proposed findings of fact, reply findings of fact, post-trial briefs, and reply briefs. Judge Chappell's Initial Decision is 134 pages and contains nearly 600 findings of fact. In order for Respondents to properly prepare its appeal in this matter, additional time is necessary to analyze this voluminous record, as well as the Initial Decision.

9. Due to the limited time frame within which Respondents' appeal brief must be filed, Respondents respectfully request expedited consideration of this motion, pursuant to FTC Rule of Practice 3.22(d).

**Conclusion**

For the reasons stated above, Respondents respectfully request that they (and Complaint Counsel) be granted an extension of twenty-one days in which to file their initial appeal briefs.

Dated: July 2, 2003

*Duane M. Kelley / by NSS*  
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Counsel for Respondents  
Chicago Bridge & Iron Company N.V.  
and Pitt Des-Moines, Inc.

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**ORDER**

Upon consideration of Respondents' Motion for Extension of Time to File Appeal Brief, it is hereby ORDERED that, Respondents' Motion is hereby GRANTED. Respondents and Complaint Counsel are granted an additional twenty-one days in which to file their initial appeal briefs in this matter.

Dated: July \_\_, 2003

\_\_\_\_\_  
The Commission

**CERTIFICATE OF SERVICE**

I, Nada S. Sulaiman, hereby certify that on this 2nd day of July, 2003, I served a true and correct copy of **RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE APPEAL BRIEF**, by hand delivery upon:

Office of the Secretary  
Federal Trade Commission  
Room H-159  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580  
(original and twelve copies)

I caused one copy of **RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE APPEAL BRIEF**, to be served by hand delivery upon the following person:

The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

I caused one copy of **RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE APPEAL BRIEF**, to be served by fax (202-326-2071) and hand delivery upon the following persons:

Rhett Krulla  
Assistant Director  
Bureau of Competition  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Room NJ-6109  
Washington, D.C. 20580

Steven L. Wilensky  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Room NJ-6121  
Washington, D.C. 20580

