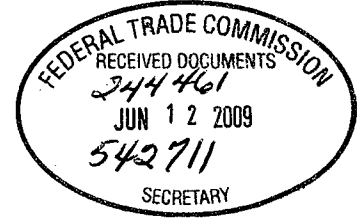


ORIGINAL



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

COMMISSIONERS: Jon Leibowitz, Chairman
J. Thomas Rosch

In the Matter of)
)
)
CSL Limited,)
 a corporation)
)
 and)
)
Cerberus-Plasma Holdings, LLC,)
 a limited liability company.)
_____)

Docket No. 9337
PUBLIC

**COMPLAINT COUNSEL’S MOTION FOR AN ORDER GRANTING
LEAVE TO FILE A REPLY IN SUPPORT OF ITS MOTION TO
PLACE COMPLAINT ON PUBLIC RECORD**

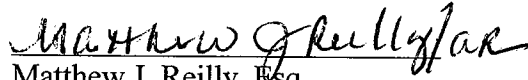
Complaint Counsel respectfully moves this Court for an order granting leave to file a reply in support of its Motion to Place Complaint on the Public Record. Complaint Counsel’s Motion was filed on May 29, 2009. Thereafter, on June 8, 2009, Respondents abandoned the underlying transaction at issue. On June 10, 2009, Respondents filed their Memorandum of Points and Authorities in Opposition. Respondent’s Opposition devotes substantial time to arguing that their abandonment of the transaction warrants keeping the Complaint in its current redacted form. Complaint Counsel disagrees with Respondent’s argument, but has not had an opportunity to brief the Court on this issue since the abandonment of the transaction occurred after May 29, when Complaint Counsel filed its Motion to Place Complaint on the Public Record.

Both the Federal Trade Commission’s Rules of Practice and fundamental fairness support the filing of a reply. Section 3.22(d) of the Rules provides a mechanism for seeking leave to file a reply “in circumstances where the parties wish to draw the Administrative Law Judge’s . . . attention to recent important developments . . . that could not have been raised earlier in the party’s principal brief.” Complaint Counsel seeks leave to file a reply for precisely the circumstances set forth in § 3.22(d). The same situation presented itself in the district court proceeding, where the abandonment of the transaction occurred *after* the Respondents (in that case, defendants) filed their Opposition. Respondents/defendants took the position that they should have an opportunity to brief the “new” issue. Complaint Counsel/plaintiff did not oppose. The district court judge agreed, and granted Respondents/defendants a right to file a

surreply on the issue. The surreply is due on Monday. In the interests of fairness, and to allow the Court the benefit of reviewing case law and brief argument on this issue that is not in Respondent's Opposition, Complaint Counsel asks the Court for leave to file a reply. Unless the Court denies this motion for an order granting leave to file a reply, Complaint Counsel will file a reply on Monday, June 15, 2009.

Respectfully submitted,

Dated: June 12, 2009


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

**COMMISSIONERS: Jon Leibowitz, Chairman
 J. Thomas Rosch**

In the Matter of)	
CSL Limited,)	
a corporation)	
and)	Docket No. 9337
Cerberus-Plasma Holdings, LLC,)	PUBLIC
a limited liability company.)	

**[PROPOSED] ORDER GRANTING COMPLAINT COUNSEL LEAVE
TO FILE A REPLY IN SUPPORT OF ITS MOTION TO
PLACE COMPLAINT ON THE PUBLIC RECORD**

On June 12, 2009, Complaint Counsel filed a Motion for an Order Granting Leave to File a Reply in Support of Its Motion to Place Complaint on the Public Record. Complaint Counsel's Motion is GRANTED. IT IS HEREBY ORDERED that Complaint Counsel has leave to file a reply in support of its motion to place the Complaint on the public record.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date:

CERTIFICATE OF SERVICE

I certify that on June 12, 2009, I served an original and electronic copy of the foregoing upon

Donald S. Clark
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, N.W., H-135
Washington, D.C. 20580

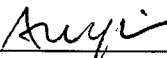
I hereby certify that on June 12, 2009, I served a copy of the foregoing upon

The Hon. D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, N.W., H-106
Washington, D.C. 20580
ojl@ftc.gov

I hereby certify that on June 12, 2009, I served via electronic mail a copy of the foregoing upon

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