

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



\_\_\_\_\_  
IN THE MATTER OF )  
MSC.SOFTWARE CORPORATION, )  
a corporation. )  
\_\_\_\_\_ )

Docket No. 9299

**ASSENTED-TO MOTION TO EXTEND MSC'S TIME TO OPPOSE  
THIRD-PARTY LEAR CORPORATION'S  
MOTION TO QUASH SUBPOENA DUCES TECUM**

Respondent MSC.Software Corporation, with the consent of third-party Lear Corporation ("Lear"), hereby moves for an order granting MSC additional time to respond to Lear's March 8, 2002 Motion to Quash Subpoena Duces Tecum.

The parties are engaged in discussions relating to the substance of Lear's document production obligations pursuant to MSC's subpoena and the issues raised in Lear's Motion. Although the parties believe that Lear's motion may not ultimately require this Court's attention, Lear wishes to preserve its rights and not withdraw its motion at this time. However, Lear has agreed to provide MSC an extension of time to respond to Lear's motion (through and including April 1, 2002), during which time the parties may better utilize their energies toward the substance of Lear's document production and attempt to resolve any remaining issues without the need for judicial intervention. (See 3/12/02 Letter from M. Laramie to M. Skubel, attached as Exhibit A.)

Counsel for Lear and MSC have conferred regarding the filing of this motion and it has been assented to by counsel for Lear.

As a result, MSC – with consent of moving party Lear – respectfully requests that this Court enter the attached proposed order granting MSC an extension through and including April 1, 2002 to respond to Third-Party Lear’s Motion to Quash Subpoena Duces Tecum.

Respectfully submitted,



Telford W. Smith (Bar No. 458441)  
Marimichael O. Skubel (Bar No. 294934)  
Michael S. Becker (Bar No. 447432)  
Bradford E. Bignon (Bar No. 453766)  
Larissa Paule-Carres (Bar No. 467907)  
KIRKLAND & ELLIS  
655 Fifteenth Street, N.W.  
Suite 1200  
Washington, D.C. 20005  
(202) 879-5000 Tele.  
(202) 879-5200 Fax

*Counsel for Respondents,  
MSC Software Corporation*

Dated: March 18, 2002

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

	)	
IN THE MATTER OF	)	
MSC.SOFTWARE CORPORATION,	)	Docket No. 9299
a corporation.	)	

[PROPOSED] ORDER

The parties' Assented-To Motion to Extend MSC's Time to Oppose Third-Party Lear Corporation's Motion to Quash Subpoena Duces Tecum is hereby GRANTED.

MSC.Software may file its response to Third-Party Lear Corporation's Motion to Quash Subpoena Duces Tecum on or before April 1, 2002.

ORDERED:

---

D. Michael Chappell  
Administrative Law Judge

Date: March \_\_\_\_, 2002.

**CERTIFICATE OF SERVICE**

This is to certify that on March 18, 2002, I caused a copy of the attached Assented-To Motion to Extend MSC's Time to Oppose Third-Party Lear's Motion to Quash Subpoena Duces Tecum; and Proposed Order to be served upon the following persons:

By Hand:

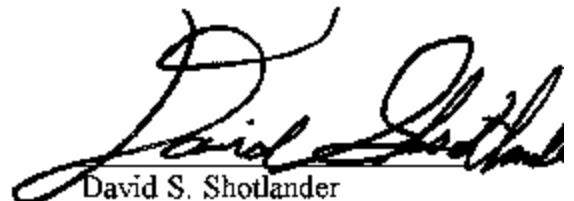
Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Richard B. Dagen, Esquire  
Federal Trade Commission  
601 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

P. Abbott McCartney, Esquire.  
Karen Mills, Esquire  
Federal Trade Commission  
601 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

By Overnight Delivery:

Michael J. Laramie, Esquire  
Bodman, Longley & Dahling LLP  
201 West Big Beaver Road, Suite 500  
Troy, MI 48084  
*Counsel for Lear Corporation*



David S. Shotlander

KIRKLAND & ELLIS  
655 15<sup>th</sup> Street, N.W.  
Suite 1200  
Washington, D.C. 20005  
(202) 879-5000 Tele.  
(202) 879-5200 Fax  
*Counsel for Respondents,*  
**MSC Software Corporation**

# **EXHIBIT**

# **A**

**BODMAN, LONGLEY & DAHLING LLP**

201 WEST BIG BEAVER ROAD  
SUITE 500  
TROY, MICHIGAN 48064  
(248) 743-5000  
FAX (248) 743-5002

MICHAEL J. LARAMIE  
(248) 743-5063  
MLARAMIE@BODMANLONGLEY.COM

34<sup>th</sup> FLOOR, 100 RENAISSANCE CENTER  
DETROIT, MICHIGAN 48243  
(313) 260-7777  
FAX (313) 390-7079

110 MILLER SUITE 300  
ANN ARBOR, MICHIGAN 48104  
(734) 761-3780  
FAX (734) 930-2494

220 COURT STREET  
P.O. BOX 405  
ONTOLOGO, MICHIGAN 49721  
(231) 627-4551  
FAX (231) 627-2802

March 12, 2002

**VIA FACSIMILE and FIRST CLASS MAIL**

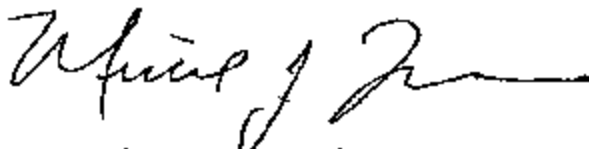
Marimichael O. Skubel, Esq.  
Kirkland & Ellis  
655 Fifteenth Street, NW  
Washington, DC 20005

Re: MSC.Software Antitrust Litigation; Subpoena Issued to Lear Corporation

Dear Ms. Skubel:

This will confirm that Lear Corporation has agreed to grant MSC.Software Corporation a two-week extension of the deadline (until April 1, 2002) for MSC.Software Corporation to file a motion to enforce the subpoena duces tecum served on Lear.

Very truly yours,



Michael J. Laramie

MJL/jdb