

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION



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

RESPONDENT'S MOTION FOR EXTENSION OF TIME

Pursuant to the Scheduling Order entered in this case on February 20, 2002, Respondent Chicago Bridge & Iron Company N.V. ("CB&I") respectfully submits this motion for an extension of the discovery deadline relating to document requests, interrogatories and requests for admissions served by the Federal Trade Commission ("FTC") on June 7, 2002.¹ CB&I requests that the Court extend its time to respond to the document requests, interrogatories and requests for admissions served by the FTC in accordance with the agreements reached by counsel for the parties on July 1, 2002. CB&I has consulted with Complaint Counsel, who has authorized CB&I to state that it does not object to this motion to extend CB&I's time to respond to the FTC's discovery as follows: Subject to the Court's approval, the parties have agreed that

¹ These documents are (i) Complaint Counsel's Second Request for Production of Documents to Respondent Chicago Bridge & Iron Company N.V.; (ii) Complaint Counsel's Requests for Admissions to Chicago Bridge &

CB&I's time to respond the FTC's interrogatories and requests for admission shall be extended until July 19, 2002, and CB&I will produce documents responsive to the FTC's document requests on a rolling basis beginning on July 12th, and ending no later than August 6, 2002. In support of its motion, CB&I states as follows:

1. On June 7, 2002 -- the last day on which written discovery could be served pursuant to the Scheduling Order -- the FTC served a series of new document requests, interrogatories and requests for admissions upon CB&I.
2. On June 14, 2002, Respondents moved for a sixty-day extension of the fact discovery deadline in this case based, in part, on the fact that Respondents needed additional time to respond to the FTC's discovery.
3. On June 18, 2002, this Court granted Respondents' motion for a 60-day extension, specifically noting in its Order that CB&I needs at least two months to respond to the FTC's discovery.
4. Moreover, on June 13, 2002, the parties participated in a two hour meet and confer conference in an attempt to resolve their disputes regarding the FTC's discovery. Several significant issues remain, however, and it will take some time for the parties to resolve those issues.
5. CB&I has been diligently collecting documents and information responsive to the discovery requests over the last couple of weeks. CB&I has communicated this fact to several attorneys on the FTC Staff. The FTC has stated that pursuant to the Scheduling Order and FTC Rules of Practice, all extensions or modifications of the deadlines contained in the Scheduling Order and to discovery deadlines will be made by the Court only upon a showing of good cause.

Complaint Counsel has agreed not to oppose a motion seeking to extend CB&I's time for responding to the requests for admissions and interrogatories until July 19, 2002. In addition, Complaint Counsel has also agreed not to oppose an extension permitting CB&I to produce documents in response to the document requests on a rolling basis beginning on July 12, 2002, and ending no later than August 6, 2002.

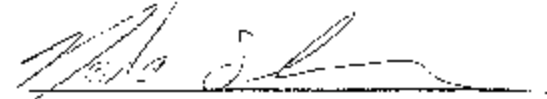
6. In sum, CB&I has in good faith been attempting to resolve the discovery disputes with the FTC while continuing to gather information responsive to the discovery requests. Respondents felt that it was implicit in the Court's June 18, 2002 Order that they would have additional time to respond to the FTC's discovery requests. In a abundance of caution, however, we make this motion today.

7. Thus, CB&I respectfully requests that this Court grant CB&I's motion for extension of time and order that CB&I responses to the FTC's June 7, 2002 discovery shall be extended in accordance with the agreements reached between the parties on July 1, 2002.

Dated: Washington, D.C.

July 1, 2002

Respectfully submitted,



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Council for Respondents
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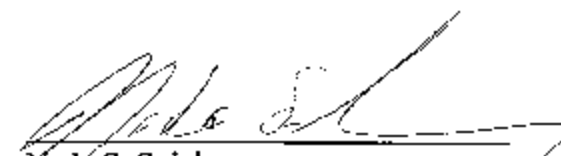
CERTIFICATE OF SERVICE

I, Nada S. Sulaiman, hereby certify that on this 1st day of July, 2002, I served a true and correct copy of Respondent's Motion for an Exertion of Time, by facsimile and first-class mail upon:

The Honorable James P. Timony
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Richard Liebeskind
Assistant Director
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Federal Trade Commission
600 Pennsylvania Avenue, N.W.
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Nada S. Sulaiman

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)	

PROPOSED ORDER

UPON CONSIDERATION of Respondent's Motion for an Extension of Time, filed on July 1, 2002, and being fully advised in the premises,

IT IS HEREBY ORDERED, that the motion is GRANTED, and that Respondent's responses the Federal Trade Commission's June 7, 2002 document requests, interrogatories and requests for admission shall be extended as follows: CB&I's time to respond to Complaint Counsel's request for admissions and interrogatories shall be extended to July 19, 2002, and CB&I will produce documents responsive to the Complaint Counsel's document requests on a rolling basis beginning on July 12, 2002 and ending no later than August 6, 2002.

ORDERED:
July __, 2002

James P. Timony
Administrative Law Judge