

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN CARBURETORS AND
PRODUCTS CONTAINING SUCH
CARBURETORS

Inv. No. 337-TA-1123

**ORDER NO. 24: DENYING COMPLAINANT WALBRO LLC'S MOTION FOR
LEAVE TO CONDUCT FIRST SETTLEMENT MEETING BY
VIDEO-CONFERENCING OR TELECONFERENCING AS MOOT**

(October 2, 2018)

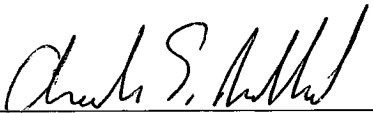
On September 19, 2018, Complainant Walbro LLC ("Walbro") moved for leave (1123-017) to conduct the first settlement meeting by video-conferencing or teleconferencing. Respondents Amazon, Inc., Champion Power Equipment, Inc., Northern Tool & Equipment Co., Inc., Buffalo Corp., Target Corporation, and Zhejiang Ruixing Carburetor Manufacturing Co. do not oppose the motion. The Commission Investigative Staff also does not oppose. Respondents Lowe's Companies, Inc. ("Lowe's") and Husqvarna Professional Products, Inc. ("HPP") opposed the motion on October 1, 2018.

On September 28, 2018, the parties filed the Joint Report of First Settlement Conferences. (See Doc. ID No. 657218). Per the Joint Report, the first settlement meetings have already been conducted, thereby mooting Walbro's motion.

The undersigned notes, however, that Order No. 6 specifically states that "[u]nless the parties obtain the permission of the undersigned, for good cause shown, the settlement meetings should not occur by video-conferencing or by teleconferencing." While Walbro did seek leave to conduct the settlement meetings by video-conferencing or teleconferencing, the motion was opposed by 2 respondents and *still pending* before the undersigned when the settlement meetings

were conducted.¹ Despite not having the undersigned's permission to conduct the first settlement conferences by videoconferencing or teleconferencing, Walbro chose to do so anyway.² This is in direct violation of Order No. 6 and such behavior will not be tolerated. For this reason, Walbro will not be permitted to conduct any of the second settlement conferences by video-conference or teleconference; rather, all of the second settlement conferences must be conducted in person.

SO ORDERED.



Charles E. Bullock
Chief Administrative Law Judge

¹ Responses to the motion were not due until October 1, 2018.

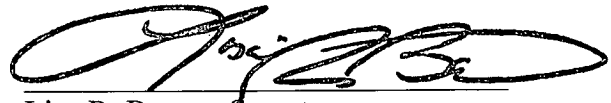
² Walbro could have requested a shortened response time or even sought leave to extend the date to conduct the settlement conferences. It failed to do either.

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Certificate of Service – Page 1

I, Lisa R. Barton, hereby certify that the attached **ORDER NO. 24** has been served by hand upon the Commission Investigative Attorney, Vu Bui, Esq., and the following parties as indicated, on **October 2, 2018**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street SW, Room 112
Washington, DC 20436

| | |
|---|--|
| <u>On Behalf of Complainant Walbro, LLC:</u> | |
| Richard W. Hoffmann, Esq. REISING ETHINGTON, PC 755 W. Big Beaver Rd., Suite Troy, MI 48084 | <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____ |
| <u>RESPONDENTS:</u> | |
| <u>On Behalf of Respondents HusQvarna Professional Products, Inc. and Lowe's Companies, Inc.:</u> | |
| Joshua B. Pond, Esq. KILPATRICK TOWNSEND & STOCKTON LLP 607 14 TH Street, NW, Suite 900 Washington, DC 20005 | <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____ |
| <u>On Behalf of Respondent Amazon.com, Inc.:</u> | |
| Stefani E. Shanberg, Esq. MORRISON & FOERSTER LLP 425 Market Street San Francisco, CA 94105 | <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____ |
| <u>On Behalf of Respondent MTD Products, Inc.:</u> | |
| Kathryn L. Clune, Esq. CROWELL & MORING LLP 1001 Pennsylvania Avenue, NW Washington, DC 20004-2595 | <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____ |

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| <p><u>On Behalf of Respondents Techtronic Industries Co. Ltd. d/b/a Techtronic Industries Power Equipment and The Home Depot Inc.:</u></p> | |
| <p>Sean C. Cunningham, Esq. DLA PIPER LLP (US) 401 B Street, Suite 1700 San Diego, California 92101</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p><u>On Behalf of Respondents Kmart Corporation and Sears, Roebuck and Company:</u></p> | |
| <p>Eric S. Namrow, Esq. MORGAN, LEWIS & BOCKIUS LLP 1111 Pennsylvania Avenue, NW Washington, DC 20004-2541</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p><u>On Behalf of Respondent Ardisam, Inc.:</u></p> | |
| <p>James B. Coughlan, Esq. PERKINS COIE LLP 700 Thirteenth Street, NW, Suite 600 Washington, DC 20005-3930</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p><u>On Behalf of Respondent Zhejiang Ruixing Carburetor Manufacturing Co., Ltd.:</u></p> | |
| <p>P. Andrew Riley, Esq. MEI & MARK LLP 818 18th Street, NW, Suite 410 Washington, DC 20006</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p><u>On Behalf of Respondent Generac Power Systems, Inc.:</u></p> | |
| <p>Steven M. Auvil, Esq. SQUARE PATTON BOGGS (US) LLP 4900 Key Tower, 127 Public Square Cleveland, Ohio 44114</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p><u>On Behalf of Respondent Champion Power Equipment, Inc.:</u></p> | |
| <p>Benjamin E. Maskell, Esq. MASKELL LAW PLLC 888 N. Quincy St. Suite 701 Arlington, VA 22203</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |

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| <p><u>On Behalf of Respondents Buffalo Corporation and Target Corporation:</u></p> | |
| <p>Marc W. Vander Tuig, Esq. ARMSTRONG TEASDALE 7700 Forsyth Blvd., Suite 1800 St. Louis, MO 63105</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p><u>On Behalf of Respondent Walmart Inc.:</u></p> | |
| <p>Rett Snotherly, Esq. LEVI & SNOTHERLY, PLLC 1101 Connecticut Avenue, NW, Suite 450 Washington, DC 20036</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p><u>On Behalf of Respondent Thunderbay Products:</u></p> | |
| <p>P. Andrew Riley, Esq. MEI & MARK LLP 818 18th Street NW, Suite 410 Washington, DC 20006</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p><u>On Behalf of Respondent Amerisun, Inc.:</u></p> | |
| <p>Adam D. Swain, Esq. ALSTON & BIRD LLP 950 F Street NW Washington, DC 20004</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p><u>On Behalf of Respondent Cabela's Inc.:</u></p> | |
| <p>Kecia J. Reynolds, Esq. PHILLSBURY WINTHROP SHAW PITTMAN LLP 1200 Seventeenth St., NW Washington, DC 20036</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p><u>On Behalf of Respondent Tractor Supply Company:</u></p> | |
| <p>Daniel E. Yonan, Esq. STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 New York Avenue, NW Washington, DC 20005</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |

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| <p><u>On Behalf of Respondent Northern Tool & Equipment Co., Inc.:</u></p> | |
| <p>Tyler P. Brimmer, Esq. FAFINSKI MARK & JOHNSON, P.A 775 Prairie Center Drive, Suite 400 Eden Prairie, MN 55344</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p><u>On Behalf of Respondent Menards, Inc.:</u></p> | |
| <p>Jeffrey L. Eichen, Esq. DRINKER BIDDLE & REATH LLP 222 Delaware Avenue, Suite 1410 Wilmington, DE 19801</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p><u>On Behalf of Respondent Frictionless World, LLC:</u></p> | |
| <p>Michael L. Doane, Esq. ADDUCI, MASTRIANI & SCHAUMBERG, LLP 842 w. South Boulder Road, Suite 100 Washington, DC 20036</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p><u>On Behalf of Respondent FNA Group, Inc. and MAT Industries, LLC:</u></p> | |
| <p>Paul M. Bartkowski, Esq. ADDUCI, MASTRIANI & SCHAUMBERG, LLP 1133 Connecticut Avenue, NW, 12th Floor Washington, DC 20036</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p><u>On Behalf of Respondent QV Tools Limited Company:</u></p> | |
| <p>Mark D. Schneider, Esq. DINSMORE & SHOHL 900 Wilshire Drive, Suite 300 Troy, Michigan 48084</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p><u>On Behalf of Respondent Huayi Carburetor Factory:</u></p> | |
| <p>Jordan L. Coyle, Esq. ORRICK HERRINGTON & SUTCLIFFE, LLP Columbia Center 1152 15th Street, NW Washington, DC 20005</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |

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| <p>Funding Guangda General Machinery Co., Ltd. Tietang Industrial Distict, Fuding City, Fujian Province, 355200 China</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p>Wuyi Henghai Tools Co., Ltd. Baihuashan Industrial Zone Wuyi 321200, Jinhua, Zhejiang China</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p>Fuding Youyi Trade Co., Ltd. No. 176, Yuhu Community, Taimushan Town, Fuding, Ningde, Fujian, 355203 China</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p>Feldmann Eng. & Mfg. Co., Inc. 520 Forest Avenue Sheboygan Falls, WI 53085</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p>Imperial Industrial Supply Co. d/b/a Duromax Power Equipment 5800 Ontario Mills Parkway Ontario, CA 91764</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p>North American Tool Industries 78 Commercial Road Huntington, IN 48750</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p>Tool Tuff Direct LLC 15000 W. 44th Avenue Suite B. Golden, CO 80403</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |
| <p>Tillotson Clash Industrial Estate Tralee, Co. Kerry Ireland</p> | <p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p> |