

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

ADMINISTRATIVE LAW JUDGE: JAY L. HIMES

**IN THE MATTER OF:
NATALIA LYNCH, APPELLANT**

DOCKET No. D09423

MOTION TO ADJOURN THE APRIL 10, 2024 EVIDENTIARY HEARING

Pursuant to 16 C.F.R. § 4.3(b), Appellant Natalia Lynch (“Ms. Lynch”) respectfully brings this Motion to adjourn the evidentiary hearing set for April 10, 2024 and the April 8 deadline for exchange of certain information between Ms. Lynch and Respondent Horseracing Integrity and Safety Authority (“HISA”) (collectively, “the Parties”), in advance of that hearing.

ARGUMENT

On March 25, 2024 Administrative Law Judge Himes issued an order (“the March 25 Order”) setting an evidentiary hearing in this matter for April 10, 2024. That order further provided that the Parties must exchange certain information—namely, “[a] list of the witnesses they anticipate calling; [a] list of the exhibits they wish to introduce; and [a] list of the attorneys or other individuals who are expected to participate in the hearing” by April 8, 2024.

Rule 4.3(b)(1) permits the Administrative Law Judge to “[e]xtend any time limit prescribed or allowed by order of the Administrative Law Judge” for “good cause shown” 16 C.F.R. § 4.3(b)(1). The March 25, 2024 Order is an order of the Administrative Law Judge and therefore falls within the scope of this rule. For the following reasons, Ms. Lynch submits there is good cause for adjourning the April 10, 2024 hearing date.

First, H. Christopher Boehning, Ms. Lynch’s lead counsel, has an unavoidable conflict on that day and would not be able to participate in the hearing. Mr. Boehning is Counsel of Record in *Ungarean, et al. v. CNA Valley Forge Ins. Co.*, which is pending before the Pennsylvania Supreme Court and was scheduled for oral argument on the morning of April 10 before the March 25 Order was issued.¹

Second, HISA does not oppose the adjournment of the evidentiary hearing and therefore, no party will be prejudiced.

Third, the Parties have conferred and are both available for the evidentiary hearing on either May 20 or May 22, with HISA expressing a preference for May 22, if both dates would be convenient for the Court.

CONCLUSION

Accordingly, we respectfully request that the April 10, 2024 evidentiary hearing and accompanying April 8 deadline for the Parties to exchange certain information be adjourned.

Dated: April 4, 2024

Respectfully submitted,

/s/ Grant S. May

H. CHRISTOPHER BOEHNING
GRANT S. MAY
PAUL, WEISS, RIFKIND
WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019
(212) 373-3061
cboehning@paulweiss.com

Counsel for Appellant Ms. Lynch

¹ Mr. Boehning apologizes for the delay in notifying the Court of this conflict; it was due to a calendaring error on his part.

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

ADMINISTRATIVE LAW JUDGE: JAY L. HIMES

IN THE MATTER OF:
NATALIA LYNCH, APPELLANT

DOCKET No. D09423

**[PROPOSED] ORDER GRANTING MOTION TO ADJOURN THE APRIL 10, 2024
EVIDENTIARY HEARING**

By motion filed on April 4, 2024, Appellant Natalia Lynch (“Appellant”) requests to adjourn the evidentiary hearing in this matter currently scheduled for April 10, 2024 and the accompanying April 8 deadline for exchange of certain information in advance of the evidentiary hearing. (“Motion”).

Federal Trade Commission Rule of Practice 4.3(b)(1) permits the Administrative Law Judge to “[e]xtend any time limit prescribed or allowed by order of the Administrative Law Judge . . .” for “good cause shown . . .” 16 C.F.R. § 4.3(b)(1). Ms. Lynch contends that there is good cause for adjourning the evidentiary hearing because: H. Christopher Boehning, her lead counsel, is not available to participate in the hearing on April 10 due to a previously scheduled obligation to participate in a court hearing in another matter; HISA does not oppose the adjournment and it therefore will not cause prejudice to either party.

Based on the foregoing, there is good cause for adjourning the evidentiary hearing and the Motion is GRANTED. It is hereby ORDERED that the evidentiary hearing in this matter is set for May [22], 2024. The Parties are ORDERED to meet and confer regarding a mutually agreeable deadline for exchange of, with a courtesy copy to OALJ@FTC.gov, a list of witnesses they anticipate calling; a list of exhibits they wish to introduce; and a list of attorneys or other individuals who are expected to participate in the hearing.

ORDERED

Jay L. Himes
Administrative Law Judge

Date: April __, 2024

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2024, pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), I caused the foregoing to be filed and served as follows:

Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Suite CC-5610
Washington, DC 20580
(by e-mail to electronicfilings@ftc.gov)

Hon. Jay L. Himes
Administrative Law Judge
Office of Administrative Law Judges
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
(by e-mail to oalj@ftc.gov)

Horsereading Integrity and Safety Authority (HISA)
Lisa Lazarus and Samuel Reinhardt
401 W. Main Street, Suite 222
Lexington, KY 40507
(by e-mail to lisa.lazarus@hisaus.org and samuel.reinhardt@hisaus.org)

Horseracing Integrity & Welfare Unit (HIWU)

Michelle C. Pujals and Allison J. Farrell

4801 Main Street, Suite 350

Kansas City, MO 64112

(by e-mail to mpujals@hiwu.org and afarrell@hiwu.org)

Bryan H. Bauman and Rebecca C. Price

Sturgill, Turner, Barker & Moloney, PLLC

333 W. Vine Street, Suite 1500

Lexington, Kentucky 40507

(by e-mail to bbauman@sturgillturner.com and rprice@sturgillturner.com)