

PUBLIC

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

)	
In the Matter of)	
)	
W. Bret Calhoun,)	Docket No. 9430
)	
Appellant.)	
)	

**ORDER GRANTING JOINT MOTION TO
AMEND EVIDENTIARY HEARING DATE**

By Order issued June 7, 2024, the evidentiary hearing in this matter was set to commence on July 18, 2024. On June 27, 2024, the parties filed a joint motion to amend the hearing date (“Joint Motion”). The parties explained that their collaborative efforts to facilitate the review of additional laboratory documentation by their anticipated expert witnesses would require a brief postponement of the evidentiary hearing until at least August 8, 2024.

Pursuant to the Federal Trade Commission Rule 4.3(b), the Administrative Law Judge, except in circumstances not here presented, may extend any time limit allowed by order “[f]or good cause shown.” 16 C.F.R. § 4.3(b).

Based on the representations in the Joint Motion, the parties have demonstrated good cause for rescheduling the evidentiary hearing. Accordingly, the Joint Motion is GRANTED and it is hereby ORDERED that the evidentiary hearing shall commence remotely via videoconference on August 29, 2024, at 9:30 a.m. Eastern.

The following procedures apply:

1. Each party may make an opening statement, limited to fifteen minutes.
2. Each party is allotted no more than six hours total.
3. If the evidentiary hearing is not completed on August 29, 2024, it shall continue on August 30, 2024, at 9:30 a.m. Eastern.
4. No later than August 22, 2024, the Authority shall file with the FTC’s Office of the Secretary a complete copy of the record developed below.
5. The parties are instructed to collaborate on the identification of joint exhibits.

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6. By August 26, 2024, the parties must exchange and file with the FTC's Office of the Secretary, and provide a courtesy copy to OALJ@FTC.GOV:
 - a. A list of the witnesses they anticipate calling, including a brief proffer of witness testimony;
 - b. A list of proposed exhibits and the proposed exhibits¹ they wish to introduce, including expert witness reports; and
 - c. A list of attorneys or other individuals who are expected to participate in the hearing.
7. The parties are directed to meet and confer regarding the preparation of stipulations of fact, the admissibility of documents, and the expertise of any proposed expert witnesses and to file those stipulations with the FTC's Office of the Secretary by August 27, 2024 at 9:30 a.m. Eastern.
8. The hearing will be transcribed by a court reporter. It will not be video recorded. An audio line will be provided for public access.
9. Details regarding videoconference procedures will be sent to the parties in advance of the hearing date.
10. The parties are requested to provide courtesy hardcopies of any filings that exceed thirty pages.

ORDERED:

Dania L. Ayoubi
Dania L. Ayoubi
Administrative Law Judge

Date: July 2, 2024

¹ The factual record developed before the Authority will be considered the initial record before the Administrative Law Judge. 16 C.F.R. § 1.146(c)(4). Accordingly, documents already contained in the complete copy of the record to be filed by the Authority are not to be duplicated or included as proposed exhibits.