

PUBLIC

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

ADMINISTRATIVE LAW JUDGE: DANIA L. AYOUBI

**IN THE MATTER OF:
W. BRET CALHOUN, APPELLANT**

DOCKET NO. 9430

**JOINT MOTION TO ADJOURN THE AUGUST 29, 2024 HEARING DATE
AND RELATED DEADLINES**

Pursuant to 16 C.F.R. § 4.3(b), the Horseracing Integrity and Safety Authority, Inc. (“HISA”) and Appellant W. Bret Calhoun (“Mr. Calhoun”) (collectively, the “Parties”) respectfully bring this Motion to adjourn the August 29, 2024 evidentiary hearing and its related deadlines for at least thirty (30) days in order to allow the Parties to engage in settlement discussions.

ARGUMENT

On May 1, 2024, pursuant to 15 U.S.C. § 3058(b)(1)-(3) and 16 C.F.R. § 1.146(a), Mr. Calhoun filed a Notice of Appeal and Application for Review of civil sanctions imposed by HISA, which included a request for the supplementation of the record and a request for an evidentiary hearing. On June 7, 2024, the Administrative Law Judge granted Mr. Calhoun’s request for an evidentiary hearing, setting the date for July 18, 2024. On July 2, 2024, after a joint motion filed by the Parties on June 27, 2024, the evidentiary hearing was moved to August 29, 2024 (the “July 2 Order”). The July 2 Order also required: (1) HISA to file the complete record for the appeal by August 22, 2024; (2) the Parties to file a list of witnesses and exhibits by August 26, 2024; and (3) the Parties 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 by August 27, 2024.

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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 July 2 Order is an order of the Administrative Law Judge and therefore falls within the scope of this rule. For the following reasons, the Parties submit there is good cause for adjourning the July 2 Order for a period of at least thirty (30) days to allow for settlement discussions. *First*, the Parties agree to the adjournment and therefore, no party will be prejudiced by the delay. *Second*, the adjournment will allow the Parties an opportunity to efficiently resolve the matter without conducting an evidentiary hearing or post-hearing briefing thereby conserving the resources of the Commission. *Third*, the Parties resources will also be conserved by avoiding further litigation of the dispute. *Fourth*, the opportunity to engage in settlement discussions may allow for a mutually agreeable resolution which addresses the specific needs and objectives of the Parties.

CONCLUSION

The requested adjournment of the evidentiary hearing for at least 30 days should be granted to enable the Parties to engage in settlement discussions in an effort to reach a mutually agreeable resolution, thereby conserving the resources of both the Commission and the Parties.

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Dated: August 20, 2024

Respectfully submitted,

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

ADMINISTRATIVE LAW JUDGE: DANIA L. AYOUBI

**IN THE MATTER OF:
W. BRET CALHOUN, APPELLANT**

DOCKET NO. 9430

**ORDER TO ADJOURN THE AUGUST 29, 2024 HEARING DATE
AND RELATED DEADLINES**

By joint motion filed on August 20, 2024, Appellant W. Bret Calhoun (“Appellant”) and Respondent the Horseracing Integrity and Safety Authority (“HISA”), (collectively, “the Parties”) request to adjourn the evidentiary hearing date and other dates set forth in the July 2, 2024 Order Setting the Evidentiary Hearing in this matter (the “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). The Parties contend that there is good cause for amending the dates because: the Parties agree to the adjournment and therefore, no party will be prejudiced by the delay; the adjournment will allow the Parties an opportunity to efficiently resolve the matter without conducting an evidentiary hearing or post-hearing briefing thereby conserving the resources of the Commission; the Parties resources will also be conserved by avoiding further litigation of the dispute; and the opportunity to engage in settlement discussions may allow for a mutually agreeable resolution which addresses the specific needs and objectives of the Parties.

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Based on the foregoing, there is good cause for amending the dates in the Order and the Motion is GRANTED. It is hereby ORDERED as follows: (1) the evidentiary hearing in this matter is set for [September or October __], 2024, at least 30 days from August 29, 2024 (the “Hearing Date”); (2) by seven (7) days before the Hearing Date, the Authority shall file a complete copy of the record developed below; (3) by three (3) business days before the Hearing Date, the Parties must exchange and file a list of the witnesses they anticipate calling, including a brief proffer of witness testimony, a list of proposed exhibits and the proposed exhibits they wish to introduce, including expert witness reports, and a list of attorneys or other individuals who are expected to participate in the hearing; and (4) by two (2) days before the Hearing Date, the Parties must meet and confer regarding the preparation of stipulations of fact, the admissibility of documents, and the expertise of any proposed expert witnesses and must file those stipulations.

ORDERED

Dania L. Ayoubi
Administrative Law Judge

Date: August 20, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 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:

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