

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Lina Khan, Chair  
Rebecca Slaughter  
Alvaro Bedoya  
Melissa Holyoak  
Andrew Ferguson**

**In the Matter of**

**Tapestry, Inc.,  
a corporation;**

**and**

**Capri Holdings Limited,  
a corporation**

**Docket No. 9429**

**PUBLIC**

**RESPONDENTS' UNOPPOSED MOTION TO CONTINUE EVIDENTIARY HEARING**

Pursuant to 16 C.F.R. §§ 3.21(c), 3.22(a), and 3.41(b), Respondents Tapestry, Inc. (“Tapestry”) and Capri Holdings Limited (“Capri”) request that the Federal Trade Commission (“FTC” or the “Commission”) continue the Part 3 Evidentiary Hearing until October 28, 2024.<sup>1</sup> Complaint Counsel does not oppose this Motion.

**ARGUMENT**

A continuance of the evidentiary hearing in this proceeding will neither unduly delay resolution of this matter nor prejudice any party or the public interest. The Commission has

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<sup>1</sup> For ease of reference, the “Administrative Action” refers to the FTC’s administrative action Docket 9429. The “Part 3 Evidentiary Hearing” refers to the Evidentiary Hearing under Part 3 of the FTC’s Rules, scheduled to begin on September 25. The “Section 13(b) Action” refers to the federal court proceedings that the FTC initiated on April 22, 2024, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b). The “Section 13(b) Evidentiary Hearing” refers to the hearing Judge Rochon scheduled to begin on September 9, 2024 (“the Section 13(b) Action”).

recognized that a “short delay in the start of the administrative hearing would not harm the Commission or the public interest should it be necessary for the administrative adjudication to go forward.” *In re Advocate Health Care Network*, No. 9369, 2016 WL 2997850, at \*1 (F.T.C. May 6, 2016). The “short delay” Respondents request here is no different than those that the Commission has embraced repeatedly in the past. It is narrowly tailored and limited in duration.

Respondents request that the Part 3 Evidentiary Hearing be moved to begin on October 28, 2024. Complaint Counsel does not oppose this motion. There are several conflicts and holidays between the conclusion of the Section 13(b) Action hearing and October 28, 2024 that justify this continuance. On September 9, 2024, the District Court presiding over the Section 13(b) preliminary injunction proceeding (*FTC v. Tapestry, Inc.*, No. 1:24-cv-03109-JLR (S.D.N.Y.)) scheduled closing arguments for 1:00 PM EDT on September 30, 2024. In addition, multiple religious holidays, and the Columbus Day federal holiday, fall in each of the subsequent weeks through October 25, 2024. Because of these holidays, and the effects on counsels’ and witnesses’ schedules and availability, Respondents respectfully request that the Commission continue the evidentiary hearing until October 28, 2024.

### **CONCLUSION**

Respondents respectfully move to continue the Part 3 Evidentiary Hearing until October 28, 2024.

Dated: September 12, 2024

Respectfully submitted,

s/ David L. Johnson

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**[PROPOSED] ORDER GRANTING RESPONDENTS' MOTION TO CONTINUE  
EVIDENTIARY HEARING**

Having considered Respondents Tapestry, Inc. and Capri Holdings Limited's motion to continue the evidentiary hearing and finding good cause for a continuance, the motion is GRANTED. The evidentiary hearing shall proceed on October 28, 2024.

By the Commission.

\_\_\_\_\_  
Secretary

Issued: \_\_\_\_\_

**STATEMENT REGARDING CONFERRAL WITH COMPLAINT COUNSEL**

Pursuant to paragraph 4 of the Scheduling Order, Respondents submit this statement representing that Counsel for Respondents have conferred with Complaint Counsel in a good faith effort to resolve the issues raised by this motion. As noted above, Complaint Counsel does not oppose this motion.

s/ David L. Johnson  
David L. Johnson

**CERTIFICATE OF SERVICE**

I hereby certify that on September 12, 2024, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

April Tabor  
Acting Secretary Federal Trade Commission  
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The Honorable Dania L. Ayoubi  
Administrative Law Judge  
Federal Trade Commission  
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I also certify that I caused the foregoing document to be served via email to as of September 12, 2024:

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