

**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 December 9, 2024.¹ 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 parties are currently

¹ 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, 2024. 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 that began on September 9, 2024 (“the Section 13(b) Action”).

awaiting a decision of the Southern District of New York in the Section 13(b) Action, following closing arguments, which occurred on September 30, 2024. The Commission has 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 December 9, 2024. Complaint Counsel does not oppose this motion. The Administrative Law Judge has set the hearing to begin on October 28, 2024, “for the limited purpose of procedurally convening the trial and will then be recessed.” Order on Evidentiary Hearing and Lifting Stay of Prehearing Deadlines, *In the Matter of Tapestry, Inc. and Capri Holdings Limited*, Docket No. 9429 (Oct. 11, 2024). The hearing will then resume on November 21, 2024. *Id.* In addition to the potential effect of the decision in the Section 13(b) Action, there are several holidays between October 28, 2024 and December 9, 2024 – including the Thanksgiving holiday the week following resumption of the hearing on November 21st – that significantly affect witness scheduling and justify this continuance. Because of these holidays and the potential effect of the decision in the Section 13(b) Action on the administrative proceedings, Respondents respectfully request that the Commission continue the evidentiary hearing until December 9, 2024.

CONCLUSION

Respondents respectfully move to continue the Part 3 Evidentiary Hearing until December 9, 2024.

Dated: October 15, 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 December 9, 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 October 15, 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 October 15, 2024:

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