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

In the Matter of)	
Michael Hewitt,)	
Appellant.)	Docket No. 9438

ORDER ON FURTHER REVIEW FILINGS

By November 1, 2024 Order, I directed a schedule for submitting proposed findings of fact, conclusions of law, and a proposed order, together with a supporting legal brief, and reply findings of fact, conclusions of law, and briefs.

It is hereby **ORDERED** that these papers are subject to the following additional requirements, which shall be strictly followed:

1. In addition to service with the Office of the Secretary, the parties shall: (a) transmit their post-hearing filings to the Office of Administrative Law Judges (“OALJ”) electronically by email (OALJ@ftc.gov); and (b) deliver by overnight mail one hard copy addressed as follows:


Jay L. Himes
17 State Street, 40th Floor
New York, NY 10004

2. The electronic files shall be in MS-Word (.doc/.docx) format, using Times New Roman 12-point font, and in .pdf format.
3. Hard copies shall be printed double-sided and shall be spiral bound or coil bound. Velo binding or comb binding shall not be used.
4. All proposed findings of fact shall be supported by specific references to the record, as contained in the Appeal Book (“AB1”), previously filed, and the Appeal Book 2 (“AB2”), to be forthcoming.
5. All legal contentions shall be supported by applicable authority.
6. All factual assertions made in a party’s brief shall cite to a corresponding proposed finding of fact. Citations to individual documents or items of testimony that do not also reference a corresponding proposed finding of fact may be disregarded.

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7. When citing to pages in AB2, the parties shall also identify the witness or other speaker by last name.
8. Do not use “*Id.*” as a cite for proposed findings of fact or reply findings of fact.
9. Do not cite to more than one copy of the same document. *E.g.*, if identical copies of the ECM Notice appear, at pages 100 and 200 of AB1, cite to only one page.
10. Because the review here is *de novo*, parties should cite to evidence in the record and not simply to parts of the IAP member’s amended decision.
11. Reply filings shall be limited to refuting issues raised by the opposing side and should not be used merely to bolster assertions or arguments made in an opening filing.
12. Reply briefs shall reply to the arguments in the same order as the arguments were presented by the opposing party in its opening brief.
13. Reply findings of fact shall set forth the opposing party’s proposed finding of fact in single space and then set forth the reply in double space.
 - a. Reply findings of fact shall be numbered to correspond to the opposing party’s finding that the reply finding is refuting and shall use the same outline headings used by the opposing party in its opening proposed findings of fact.
 - b. If you have no specific response to, or do not disagree with, the opposing party’s proposed finding of fact, set forth the opposing party’s proposed finding of fact and then state that you have no specific response or do not disagree.
 - c. The opposing party’s findings of fact shall not be included in the word count applicable to reply findings of fact.
 - d. Reply findings of fact should be used only to directly contradict or otherwise refute the other side’s proposed findings of fact. They should not be used merely to restate the proposition in language that is believed to be more favorable to your position.

ORDERED:



Jay L. Himes
Administrative Law Judge

Date: November 4, 2024