

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

**IN THE MATTER OF:
DR. SCOTT SHELL, DVM**

DOCKET No. 9439

**JOINT MOTION TO AMEND DATES SET FORTH IN THE
ORDER ON APPLICATION FOR REVIEW AND SETTING BRIEFING SCHEDULE**

Pursuant to 16 C.F.R. § 4.3(b), Appellant Dr. Scott Shell, DVM (“Dr. Shell”) and Respondent the Horseracing Integrity and Safety Authority (“HISA”) (collectively, “the Parties”), respectfully bring this joint motion to amend certain dates set forth in the Order on Application For Review and Setting Briefing Schedule, entered December 9, 2024 (“Order”), as set forth below.

ARGUMENT

On December 9, 2024, Chief Administrative Law Judge Chappell issued the Order pursuant to 16 C.F.R. § 1.146(c)(3), which sets a briefing schedule for the Parties, directing them to concurrently file with the FTC’s Office of the Secretary, by December 26, 2024, proposed findings of fact, conclusions of law, a proposed order, and a supporting legal brief limited to 7,500 words providing the party’s reasoning. Reply findings of fact, conclusions of law and briefs, limited to 2,500 words, are to be filed by each party within ten days of service of the initial filings.

Rule 16 C.F.R. 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 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 extending the above-referenced dates set forth in the Order.

First, counsel for the Appellant represents that he has a heavy workload heading into the holiday season, and his sole employee is on vacation December 16-27, 2024. Additionally, counsel for Appellant has plans to travel to see his daughter for the holidays from December 17-23, 2024. He typically has difficulty securing outside help to assist over the holiday season and for these reasons is quite concerned that he can meet the initial briefing deadline of December 26, 2024, given his other pending obligations.

Second, undersigned counsel for the Authority is scheduled to litigate a substantive hearing on the merits in another ADMC Program matter in Chicago next week and will be fully occupied with the hearing until it concludes, likely on December 17, 2024. This, in conjunction with the Authority's workload, likewise gives the Authority concern that it can meet the December 26 deadline.

Third, while the Authority had transcripts prepared of the substantive hearing and closing arguments below, Appellant's counsel is being provided the transcripts with the Authority's proposed redline edits on today's date, and requests time to work through the substance of the transcripts and proposed edits.

Fourth, the Parties agree to these amendments and therefore, no Party will be prejudiced by this short delay.

Together, the Parties jointly request that the initial deadline of December 26, 2024 for the proposed findings of fact, conclusions of law, a proposed order, and a supporting legal brief be amended to January 9, 2025, with the Reply findings of fact, conclusions of law and briefs, limited to 2,500 words, to be filed by each party within ten days of service of the initial filings

(which to be clear would be January 21, 2025 since the 19th is a Sunday and the 20th is a Federal holiday).

CONCLUSION

Accordingly, the Parties respectfully request that the relevant dates set forth in the Order be amended as set forth above.

Dated: December 11, 2024

Respectfully submitted,

/s/ Bryan H. Beauman
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Counsel for Appellant Dr. Shell

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 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:

Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Suite CC-5610
Washington, DC 20580
(by e-mail to electronicfilings@ftc.gov)

Hon. D. Michael Chappel
Chief Administrative Law Judge
Office of Administrative Law Judges
Federal Trade Commission
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Horseracing Integrity and Safety Authority (HISA)
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Horseracing Integrity & Welfare Unit (HIWU)

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