

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Andrew N. Ferguson, Chairman
Rebecca Kelly Slaughter
Alvaro M. Bedoya
Melissa Holyoak

In the Matter of

Tempur Sealy International, Inc.,
a corporation;

and

Mattress Firm Group Inc.,
a corporation.

Docket No. 9433

ORDER GRANTING FURTHER CONTINUANCE OF EVIDENTIARY HEARING

On July 2, 2024, the Commission issued an administrative complaint alleging that Respondents Tempur Sealy International, Inc. and Mattress Firm Group Inc entered into a merger agreement in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, which, if consummated, would violate Section 7 of the Clayton Act, 15 U.S.C. § 18, and Section 5 of the FTC Act. At the same time, the FTC filed a complaint for a temporary restraining order and preliminary injunction in the United States District Court for the Southern District of Texas pursuant to Section 13(b) of the FTC Act. *See FTC v. Tempur Sealy Int'l, Inc.*, No. 4:24-cv-02508 (S.D. Tex). Judge Eskridge denied the motion for a preliminary injunction on January 31, 2025, but extended the temporary restraining order that prevents consummation of the merger to February 7, 2025. After the Commission granted an earlier request for continuance, the administrative hearing is scheduled to begin on February 10, 2025.

The Commission's Order granting the continuance directed the parties to file a status report regarding the status of the federal court proceeding. On January 13, 2025, the parties filed a Joint Status Report and Motion for Continuance, asking the Commission to continue the administrative evidentiary hearing for 30 days to March 12, 2025. The parties argue that a continuance would minimize the expense and burden on the parties and third parties without prejudicing the Commission's ultimate ability to obtain relief. Joint Status Report and Motion at 3.

Commission Rule 3.41(b) authorizes the Commission to delay an evidentiary hearing date upon a showing of good cause. 16 C.F.R. § 3.41(b). Under the circumstances presented, and to enable the Commission to consider appropriate next steps in light of the district court's denial of a preliminary injunction, we find good cause exists for the continuance requested. Accordingly,

IT IS HEREBY ORDERED THAT the Joint Motion for Continuance is **GRANTED** and that the evidentiary hearing in this proceeding shall commence at 10:00 am on March 12, 2025.

By the Commission.

April J. Tabor
Secretary



SEAL:
ISSUED: February 4, 2025