

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



ORIGINAL

In the Matter of)
)

Louisiana Real Estate Appraisers Board,)
)

Respondent.)
_____)

DOCKET NO. 9374

THIRD REVISED SCHEDULING ORDER

On April 30, 2018, the parties filed a Joint Motion for Third Revised Scheduling Order. The parties state that the Commission's Order dated April 24, 2018 rescheduled the hearing to commence on October 15, 2018. The parties request modification of the remaining dates in the Second Revised Scheduling Order to reflect the original sequence of dates set forth in the July 6, 2017 Scheduling Order, but adjusted for the new October 15, 2018 trial date.

The parties' Joint Motion is GRANTED. The deadlines set forth in the Second Revised Scheduling Order are hereby extended as set forth below.

- April 30, 2018 - Complaint Counsel to identify rebuttal expert(s) and provide rebuttal expert report(s). Any such reports are to be limited to rebuttal of matters set forth in Respondent's expert reports. If material outside the scope of fair rebuttal is presented, Respondent will have the right to seek appropriate relief (such as striking Complaint Counsel's rebuttal expert reports or seeking leave to submit rebuttal expert reports on behalf of Respondent).

- May 4, 2018 - Respondent's Counsel provides to Complaint Counsel its final proposed witness and exhibit lists, including depositions, copies of all exhibits (except for demonstrative, illustrative or summary exhibits and expert related exhibits), Respondent's basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness.

Respondent's Counsel serves courtesy copies on ALJ its final proposed witness and exhibit lists, its basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including its expert witnesses.

- August 24, 2018 - Parties that intend to offer confidential materials of an opposing party or non-party as evidence at the hearing must provide notice to the opposing party or non-party, pursuant to 16 C.F.R. § 3.45(b).¹ See Additional Provision 7.
- September 13, 2018 - Deadline for depositions of experts (including rebuttal experts) and exchange of expert related exhibits.
- September 13, 2018 - Exchange and serve courtesy copy on ALJ objections to final proposed witness lists and exhibit lists. The Parties are directed to review the Commission's Rules on admissibility of evidence before filing objections to exhibits.
- September 14, 2018 - Deadline for filing motions *in limine* to preclude admission of evidence. See Additional Provision 9.
- September 18, 2018 - Deadline for filing motions for *in camera* treatment of proposed trial exhibits.
- September 19, 2018 - Complaint Counsel files pretrial brief supported by legal authority.
- September 20, 2018 - Deadline for filing responses to motions *in limine* to preclude admission of evidence.
- September 21, 2018 - Exchange proposed stipulations of law, facts, and authenticity.
- September 27, 2018 - Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.

¹ Appendix A to Commission Rule 3.31, the Standard Protective Order, states that if a party or third party wishes *in camera* treatment for a document or transcript that a party intends to introduce into evidence, that party or third party shall file an appropriate motion with the Administrative Law Judge within 5 days after it receives notice of a party's intent to introduce such material. Commission Rule 3.45(b) states that parties who seek to use material obtained from a third party subject to confidentiality restrictions must demonstrate that the third party has been given at least 10 days' notice of the proposed use of such material. To resolve this apparent conflict, the Scheduling Order requires that the parties provide 10 days' notice to the opposing party or third parties to allow for the filing of motions for *in camera* treatment.

- October 3, 2018 - Respondent's Counsel files pretrial brief supported by legal authority.
- October 11, 2018 - Final prehearing conference to begin at 1:00 p.m. in FTC Courtroom, Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.


The parties shall meet and confer prior to the prehearing conference regarding trial logistics and proposed stipulations of law, facts, and authenticity of exhibits. To the extent the parties have agreed to stipulate to any issues of law, facts, and/or authenticity of exhibits, the parties shall prepare a list of such stipulations and submit a copy of the stipulations to the ALJ one business day prior to the conference. At the conference, the parties' list of stipulations shall be marked as "JX1" and signed by each party, and the list shall be offered into evidence as a joint exhibit. No signature by the ALJ is required. Any subsequent stipulations may be offered as agreed by the parties.

Counsel may present any objections to the final proposed witness lists and exhibits. Trial exhibits will be admitted or excluded to the extent practicable. To the extent the parties agree to the admission of each other's exhibits, the parties shall prepare a list identifying each exhibit to which admissibility is agreed, marked as "JX2" and signed by each party, which list shall be offered into evidence as a joint exhibit. No signature by the ALJ is required.

- October 15, 2018 - Commencement of Hearing, to begin at 10:00 a.m. in FTC Courtroom, Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

All other provisions of the July 6, 2017 Scheduling Order remain in effect.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: May 1, 2018

Notice of Electronic Service

I hereby certify that on May 01, 2018, I filed an electronic copy of the foregoing Third Revised Scheduling Order, with:

D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., NW
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Donald Clark
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I hereby certify that on May 01, 2018, I served via E-Service an electronic copy of the foregoing Third Revised Scheduling Order, upon:

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