ORIGINAL

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



In the Matter of)
Ardagh Group S.A., a public limited liability company, and))) DOCKET NO. 9356
Saint-Gobain Containers, Inc., a corporation, and)
Compagnie de Saint-Gobain, a corporation, Respondents.)))

ORDER GRANTING UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE MOTIONS FOR IN CAMERA TREATMENT

I.

On November 20, 2013 Respondents Ardagh Group S.A., Compagnie de Saint-Gobain, and Saint-Gobain Containers, Inc. ("Respondents") filed an Unopposed Motion for Extension of Time to File Motions for *In Camera* Treatment ("Unopposed Motion").

The Scheduling Order issued in this case, as revised on October 18, 2013, set November 26, 2013 as the deadline for filing motions for *in camera* treatment of proposed trial exhibits, with responses due on December 4, 2013; and set December 5, 2013 as the deadline for motions for *in camera* treatment of expert related trial exhibits, with responses due on December 12, 2013. The Unopposed Motion requests an extension of both of the *in camera* motion deadlines to December 9, 2013, and an extension of both of the response deadlines to December 13, 2013.

II.

Rule 3.21(c)(2) of the Commission's Rules of Practice and Procedure provides in pertinent part:

The Administrative Law Judge may, upon a showing of good cause, grant a motion to extend any deadline or time specified in this scheduling order other than the date of the evidentiary hearing. . . . In determining whether to grant the motion, the Administrative Law Judge shall consider any extensions already granted, the length of the proceedings to date, the complexity of the issues, and the need to conclude the evidentiary hearing and render an initial decision in a timely manner.

16 C.F.R. § 3.21(c).

Respondents state that there are ongoing settlement negotiations between the parties, and that the requested extension may avoid the necessity of filing any *in camera* treatment motions, which will relieve both the parties and affected nonparties of the burden of preparing such motions. In addition, Respondents state, the extension will allow the parties to continue to focus on their settlement negotiations. Respondents further note that this is the Respondents' first request for an extension of the *in camera* treatment motion deadlines and that Complaint Counsel has consented to the requested extensions of time. Respondents also state that the parties have already notified nonparties of the intent to use some of their confidential materials as exhibits at trial, pursuant to the Scheduling Order, and that, should the Unopposed Motion be granted, Respondents and Complaint Counsel will promptly notify all affected nonparties of the extensions of the filing deadlines.

Based on the foregoing, there is good cause to extend the deadlines for filing and responding to motions for *in camera* treatment, as requested in the Unopposed Motion. Moreover, there have been no previous extensions of these deadlines and the requested extensions will not adversely affect the timely conclusion of the evidentiary hearing or the rendering of an initial decision.

III.

For all the foregoing reasons, the Unopposed Motion is GRANTED and it is hereby ORDERED that the deadlines for filing and responding to motions for *in camera* treatment shall be as follows:

December 9, 2013 - Deadline for filing motions for *in camera* treatment of proposed trial exhibits and expert related exhibits

December 13, 2013 - Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits and expert related exhibits

Except as set forth herein, all other Scheduling Order deadlines and Additional Provisions are unchanged.

ORDERED:

Chief Administrative Law Judge

Date: November 21, 2013