

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



ORIGINAL

In the Matter of)
)
Sanford Health,)
a corporation,)
)
Sanford Bismarck,)
a corporation, and)
)
Mid Dakota Clinic, P.C.,)
a corporation,)
)
Respondents.)
)

DOCKET NO. 9376

ORDER GRANTING JOINT MOTION TO AMEND SCHEDULING ORDER

Based on the representations made by the Parties in their Joint Motion to Amend the Scheduling Order (“Joint Motion”), the Joint Motion is GRANTED, and the Revised Scheduling Order, issued November 9, 2017, is amended as set forth below. All other provisions of the original Scheduling Order remain in effect.

- November 17, 2017 - Deadline for simultaneous exchange of rebuttal expert report(s) (to be provided by 5 p.m. ET). Any such reports are to be limited to rebuttal of matters set forth in the parties’ expert reports exchanged on or before October 17, 2017. If material outside the scope of fair rebuttal is presented, parties will have the right to seek appropriate relief (such as striking rebuttal expert reports or seeking leave to submit surrebuttal expert reports).
- November 28, 2017 - Deadline for filing motions *in limine* to preclude admission of evidence. See Additional Provision 9.
- November 28, 2017 - Deadline for depositions of experts (including rebuttal experts) and exchange of expert related exhibits.
- November 28, 2017 - 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.

- November 30, 2017 - Deadline for filing responses to motions *in limine* to preclude admission of evidence.
- November 30, 2017 - Exchange proposed stipulations of law, facts, and authenticity.
- December 5, 2017 - Deadline for filing motions for *in camera* treatment of proposed trial exhibits.
- December 5, 2017 - Complaint Counsel files pretrial brief supported by legal authority.
- December 7, 2017 - Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.
- December 11, 2017 - Respondents' Counsel files pretrial brief supported by legal authority.
- December 11, 2017 - Final prehearing conference to begin at 12:00 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.

December 12, 2017 - 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.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: November 14, 2017