

Aquaforest TIFF Junction Evaluation



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

_____)
In the Matter of)
)
Jerk, LLC, a limited liability company,)
also d/b/a JERK.COM, and)
)
John Fanning, individually and as a member of)
Jerk, LLC,)
Respondents.)
_____)

DOCKET NO. 9361

FIRST REVISED SCHEDULING ORDER

On January 6, 2015, the parties filed a Joint Motion to Extend Pretrial Deadlines and Revise the Scheduling Order (“Joint Motion”). The parties’ Joint Motion follows the Commission’s Order, dated December 22, 2014, which rescheduled the hearing in this case to begin on March 23, 2015.

Having considered the positions of the parties and the procedural history recounted in previous orders, the Joint Motion is GRANTED, and the Scheduling Order is revised as follows:

- January 13, 2015 - Deadline for Respondent Jerk, LLC to respond to Complaint Counsel’s interrogatories and document requests, as required by the August 15, 2014 and November 25, 2014 Orders.
- January 30, 2015 - Deadline for Respondent Jerk, LLC to produce qualified individual(s) to testify as to matters known or reasonably available to Jerk in response to Complaint Counsel’s 3.33(c)(1) deposition notice, as required by the August 15, 2014 Order.
- February 9, 2015 - Parties exchange revised final proposed witness and exhibit lists, including depositions, copies of all exhibits (except for demonstrative, illustrative or summary exhibits and expert related exhibits), including the basis of admissibility for each proposed

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exhibit, and a brief summary of the testimony of each witness.

Parties serve courtesy copies on ALJ of revised final proposed witness and exhibit lists, including basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including its expert witnesses.

- February 10, 2015 - 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). See Additional Provision 7.
- February 17, 2015 - Deadline for filing motions for *in camera* treatment of proposed trial exhibits.
- March 5, 2015 - Deadline for filing motions *in limine* to preclude admission of evidence. See Additional Provision 9.
- March 6, 2015 - Complaint Counsel files pretrial brief supported by legal authority.
- March 9, 2015 - Exchange and serve courtesy copy on ALJ objections to final proposed witness lists and exhibit lists.
- March 10, 2015 - Exchange proposed stipulations of law, facts, and authenticity.
- March 13, 2015 - Respondents' Counsel files pretrial brief supported by legal authority.
- March 16, 2015 - File final stipulations of law, facts, and authenticity. Any subsequent stipulations may be offered as agreed by the parties.
- March 17, 2015 - Final prehearing conference to begin at 10:00 a.m. in FTC Courtroom, Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

The parties are to meet and confer prior to the conference regarding trial logistics and proposed stipulations of law, facts, and authenticity of exhibits.

To the extent the parties stipulate to certain issues, the parties shall prepare a Joint Exhibit which lists the agreed stipulations.

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

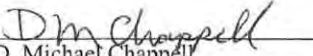
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admission of each other's exhibits, the parties shall prepare a Joint Exhibit which lists the exhibits to which neither side objects. Any Joint Exhibit will be signed by each party. (Do not include a signature line for the ALJ.)

March 23, 2015 - 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 Additional Provisions to the May 28, 2014 Scheduling Order remain in effect.

ORDERED:


D. Michael Chappell
Chief Administrative Law Judge

Date: January 7, 2015