

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of)
)
CCC HOLDINGS INC.)
)
and)
)
AURORA EQUITY PARTNERS III L.P.,)
)
Respondents.)
)
)
)
)
)
_____)

Docket No. 9334

PUBLIC

JOINT SUBMISSION OF PROPOSED MODIFICATIONS

Pursuant to the Order on Prehearing Conference dated December 23, 2008, Complaint Counsel and Respondents CCC Holdings Inc. and Aurora Equity Partners III L.P. file the following joint submission of proposed modifications to the draft pretrial scheduling and protective orders.

1. Protective Order

The Federal Trade Commission (“FTC”) has filed a motion in the United States District Court for the District of Columbia seeking a preliminary injunction under Section 13(b) of the FTC Act against the proposed merger between CCC Information Services Inc. (“CCC”) and Mitchell International, Inc. (“Mitchell”).¹ On December 5, 2008, the District Court entered a scheduling order providing for expedited discovery, opening statements on January 5, 2009, and

¹ Mitchell is owned principally by Respondent Aurora Equity Partners III L.P.

a six-day evidentiary hearing commencing on January 8, 2009, continuing on January 8, 9, 12, 21, 22, and concluding on January 23, 2009.

Complaint Counsel and Respondents jointly propose the entry of a protective order consistent with the terms of the protective order entered by the District Court in connection with the motion for a preliminary injunction. A copy of the District Court's protective order is attached as Exhibit A.

2. Scheduling Order

The parties have conferred concerning joint modifications to the scheduling order, and are unable to reach agreement. This submission sets forth the proposals of Complaint Counsel and Respondents.

Complaint Counsel's Proposal

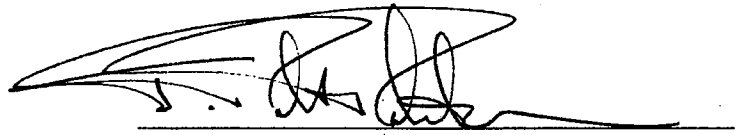
Complaint Counsel proposes modifications to the draft scheduling order as set forth in Exhibit B, attached. In addition, Complaint Counsel proposes Additional Provisions as set forth in Exhibit C, attached.

Respondents' Proposal

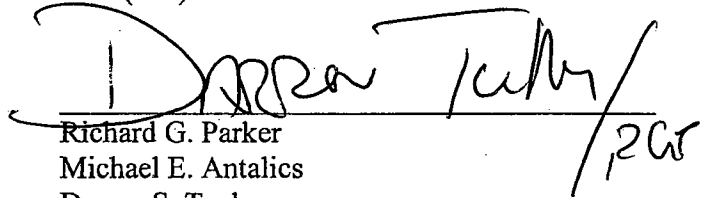
In a separate motion filed today, Respondents have moved for a stay of proceedings until February 20, 2009, following the District Court's decision on the motion for a preliminary injunction and the resolution of any motions for a stay or other emergency relief in the D.C. Circuit. Accordingly, Respondents propose that no scheduling order be entered at this time.

Complaint Counsel objects to Respondents' proposal and will file a responsive pleading to Respondents' motion for a stay of proceedings.

Respectfully submitted,



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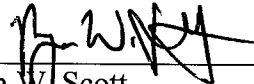
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(212) 326-2061 (Facsimile)

Attorneys for Respondent
AURORA EQUITY PARTNERS III, L.P.

Dated: January 2, 2009

CERTIFICATION

Pursuant to Rule 4.2(c)(3), 16 C.F.R. § 4.2(c)(3), I hereby certify that the electronic version of this submission is a true and correct copy of the paper original, and that a paper copy with an original signature is being filed with the Secretary of the Commission on the same day by first-class mail.



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Dated: January 2, 2009

CERTIFICATE OF SERVICE

Pursuant to Rule 4.4(c), 16 C.F.R. § 4.4(c), I hereby certify that on January 2, 2009, I filed an original and twelve paper copies of the foregoing Joint Submission of Modifications with the Office of the Secretary of the Federal Trade Commission, Room H-135, 600 Pennsylvania Avenue, NW, Washington, DC 20580, emailed a copy of the foregoing to secretary@ftc.gov, and served paper copies on the following individuals by first-class mail:

Donald S. Clark
Secretary of the Commission
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room H-172
Washington, D.C. 20580

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room H-106
Washington, D.C. 20580

J. Robert Robertson, Esq.
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Dated: January 2, 2009

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FEDERAL TRADE COMMISSION,
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Plaintiff,

v.

CCC HOLDINGS, INC.
222 Merchandise Mart Plaza, Suite 900
Chicago, IL 60654

and

AURORA EQUITY PARTNERS III L.P.,
10877 Wilshire Boulevard, Suite 2100
Los Angeles, CA 90025

Defendants.

No. 1:08-cv-02043 (RMC)

PROTECTIVE ORDER

To ensure that matters raised by this proceeding are open to the public to the extent possible, and also that confidential information submitted by a defendant or any third party, whether pursuant to compulsory process or voluntarily, is not improperly disclosed, IT IS HEREBY ORDERED:

1. As used in this Order, "confidential material" or "confidential information" shall refer to any document or portion thereof that contains competitively sensitive information, including trade secrets or other confidential research, development, commercial or financial information, as such terms are used in Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure and Section 6(f) of the Federal Trade Commission Act, and in the cases so construing them, and in any rules promulgated pursuant to or in implementation of them. "Document" shall refer to any discoverable writing or recording, as defined in Rule 1001 of the Federal Rules of Evidence, or transcript of oral testimony in the possession of a party or a third party.
2. Any document or portion thereof submitted by any person during a Federal Trade Commission ("FTC") investigation by any person that is entitled to confidentiality under the

Federal Trade Commission Act, the Hart-Scott-Rodino Antitrust Improvements Act of 1976, or any regulation, interpretation, or precedent concerning documents in the possession of the Commission, as well as any information taken from any portion of such document, shall be treated as confidential material for purposes of this Order. The identity of a third party submitting such confidential material shall also be treated as confidential material for the purposes of this Order where the submitter has requested such confidential treatment, but defense counsel shall be permitted to disclose the identity of that third party submitter to a defendant 24 hours after notice has been given by defense counsel to the FTC that defense counsel intends to disclose the identity of that third party submitter to a defendant unless the third party or the FTC applies to the Court for an order precluding such disclosure.

3. The parties and any third parties, in complying with informal discovery requests or discovery requests served upon them pursuant to the Federal Rules of Civil Procedure, may designate any document or portion thereof submitted in response to such discovery requests as confidential material, including documents obtained by them from third parties pursuant to discovery or as otherwise obtained.

4. The parties, in conducting discovery from third parties, shall attach to such discovery requests a copy of this Order so as to apprise such third parties of their rights herein.

5. A designation of confidentiality shall constitute a representation to the Court, in good faith and after careful determination, that the material is not reasonably believed to be already in the public domain and that counsel believes the material so designated constitutes confidential material as defined in Paragraph 1 of this Order.

6. Material may be designated as confidential by placing on or affixing to the document containing such material (in such manner as will not interfere with the legibility thereof), or, if an entire folder or box of documents is confidential, by placing or affixing to that folder or box, the designation "CONFIDENTIAL" or "FILED UNDER SEAL" or any other

appropriate notice, together with an indication of the portion or portions of the document considered to be confidential material.

7. Confidential material shall be disclosed only to: (a) appropriate judges and court personnel; (b) FTC counsel, their associated attorneys, FTC Commissioners, and other employees or consultants of the FTC; (c) outside counsel of record for defendants ("outside counsel"), their associated attorneys and other employees of their law firm(s), provided they are not employees of a defendant; (d) anyone retained to assist outside counsel in the preparation or trial of this action (including expert witnesses and other consultants), provided they are not affiliated in any way with a defendant or with any other company or person involved in the sale of computer software systems used by automobile repair shops and insurance companies to estimate collision repair costs and replacement values for cars driven in the United States, and (e) any person who has been identified as an author or recipient of such confidential material, or who is an employee of the party (or its subsidiaries) or third party who produced the material.

8. Disclosure of confidential material to any person described in Paragraph 7 of this Order, or to any other person pursuant to Paragraph 12 of this Order, shall be only for the purposes of the preparation, hearing, and any appeal of this proceeding and any subsequent administrative proceeding arising from this transaction, and for no other purpose whatsoever.

9. Notwithstanding Paragraphs 7 and 8, the FTC may, subject to taking appropriate steps to preserve confidentiality: (1) disclose and use information that is confidential under Paragraph 2 of this Order to the extent permitted by the confidentiality provisions of applicable statutes and Commission rules, and (2) disclose and use confidential information obtained pursuant to this Order (a) in responding to a formal request (upon a majority vote or upon a Chairman's signature) or subpoena from either House of Congress or from any committee or subcommittee of the Congress, consistent with applicable law, including Section 7A(h) of the Clayton Act or Sections 6(f) and 21 of the Federal Trade Commission Act; and (b) in responding to a federal or state access request under Commission Rule 4.11(c), 16 C.F.R. § 4.11(c).

10. In the event that any confidential material is contained in any pleading, motion, exhibit or other paper (collectively the "papers") filed or to be filed with the Clerk of the Court, the Clerk shall be so informed by the party filing such papers, and such papers shall be filed under seal. To the extent that such material was originally submitted by a third party, the party including the materials in its papers shall immediately notify the submitter of such inclusion. Confidential material contained in the papers (including confidential material from both parties and third parties) shall remain under seal until further order of this Court; provided, however, that such papers may be furnished to persons or entities who may receive confidential material pursuant to Paragraph 7. Upon or after filing any paper containing confidential material, the filing party may file on the public record a duplicate copy of the paper that does not reveal confidential material. Further, if the protection for any such material expires, a party may file on the public record a duplicate copy which also contains the formerly protected material.

11. If counsel for a defendant or any other party plans to introduce into evidence any document or transcript containing confidential material produced by another party or by a third party, they shall provide advance notice to the other party or third party for purposes of allowing that party to seek an order that the document or transcript be granted *in camera* treatment. If such party wishes *in camera* treatment for the document or transcript, the party shall file an appropriate motion with the court within five days after it receives such notice. Except where such an order is granted, all documents and transcripts shall be part of the public record. Where *in camera* treatment is granted, a duplicate copy of such document or transcript with the confidential material deleted therefrom may be placed on the public record.

12. In the event any party seeks to disclose, to any person other than a person listed in Paragraph 7, any document or other material, or portion thereof, categorized as confidential under the terms of Paragraph 2 of this Order ("Paragraph 2 Material"), that is not "confidential material" as defined in Paragraph 1 of this Order, the party may identify to plaintiff, in writing, the material the party proposes to disclose and the name and title or position of each person to

whom the party proposes to disclose the material and request plaintiff to notify the submitter of the Paragraph 2 Material of the party's request. Following receipt of such request, plaintiff shall promptly notify the submitter of the Paragraph 2 Material of the request of such party for a waiver of confidential treatment of such Paragraph 2 Material, in order to allow the Paragraph 2 Material to be shown to the person or persons specified by the party, and shall inform the submitter that the submitter may consent to the request or may make written objection to the release of the affected Paragraph 2 Material by specifically identifying the confidential material and the reasons that confidential treatment is requested, within five days of the submitter's receipt of the notification, and that absent such an objection, the affected Paragraph 2 Material may be used for all purposes related to this litigation.

13. Nothing in this Order shall prevent any party from disclosing its own confidential material as it deems appropriate, provided however that disclosure to any person other than a person listed in Paragraph 7 of this Order or who otherwise has lawful access to the material shall result in a waiver of confidentiality as to the material disclosed. The party making any such disclosure shall promptly notify each other party and identify the material disclosed. Defendants acknowledge that nothing in this Order is intended to authorize defendants to exchange information in a manner that would constitute, in whole or in part, a premature consummation of the transaction that is the subject of this proceeding or otherwise violate the antitrust laws.


14. In the event that a party believes that another party or third party has designated material as confidential material that is not entitled to such protection, the parties and any affected third party shall confer and attempt to resolve the disagreement over the classification of the material. If the parties and any affected third party cannot resolve the matter, any party or the affected third party may submit the issue to the Court for resolution and shall provide reasonable notice thereof to the other parties and to any affected third party.

15. At the time that any consultant or other person retained to assist counsel in the preparation of this action, or any other person to whom disclosure is made pursuant to Paragraph

12 of this Order, concludes participation in the action, such person shall return to counsel all copies of documents or portions thereof designated confidential that are in the possession of such person, together with all notes, memoranda or other papers containing confidential information. At the conclusion of this action, the parties shall return documents obtained in this action to their submitters, provided, however, that the FTC's obligation to return documents shall be governed by the provisions of Rule 4.12 of the FTC's Rules of Practice, 16 C.F.R. § 4.12.

16. Nothing in this Order shall be construed to effect an abrogation, waiver, or limitation of any kind on the right of the parties or third parties to assert any applicable discovery or trial privilege. Nothing in this Order shall prejudice any party or non-party from seeking modification of this order or entry of a permanent protective order.

SO ORDERED.



ROSEMARY M. COLLYER
UNITED STATES DISTRICT JUDGE

Dated: Washington, D.C.
9 Dec, 2008

EXHIBIT B

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

_____)
In the Matter of)

CCC HOLDINGS INC.,)

and)

AURORA EQUITY PARTNERS III L.P.,)
Respondents.)
_____)

Docket No. 9334

**[DRAFT]
SCHEDULING ORDER**

- January 8, 2009 - Complaint Counsel provides preliminary witness list (not including experts) with description of proposed testimony.
- January 13, 2009 - Respondent's Counsel provides preliminary witness lists (not including experts) with description of proposed testimony.
- January 21+5, 2009 - Complaint Counsel provides expert witness list.
- January 21, 2009 - Respondent's Counsel provides expert witness list.
- January 23, 2009 - Deadline for issuing document requests, requests for admission, interrogatories and subpoenas *duces tecum*, except for discovery for purposes of authenticity and admissibility of exhibits.
- February 20, 2009 - Close of discovery, other than discovery permitted under Rule 3.24(a)(4), depositions of experts, and discovery for purposes of authenticity and admissibility of exhibits.
- February 18++ , 2009 - Complaint Counsel provides expert witness reports.
- February 17, 2009 - Deadline for filing motions for summary decision.
- February 18, 2009 - Respondent's Counsel provides expert witness reports.

- February 24th, 2009 - Complaint Counsel provides to Respondent's counsel its final proposed witness and exhibit lists, including designated testimony to be presented by deposition, copies of all exhibits (except for demonstrative, illustrative or summary exhibits), and a brief summary of the testimony of each witness.
- Complaint Counsel serves courtesy copies on ALJ of its final proposed witness and exhibit lists and a brief summary of the testimony of each witness.
- February 24, 2009 - 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 sur-rebuttal expert reports on behalf of Respondent).
- February 24, 2009 - Respondent's Counsel provides to Complaint Counsel its final proposed witness and exhibit lists, including designated testimony to be presented by deposition and copies of all exhibits (except for demonstrative, illustrative or summary exhibits), 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 and a brief summary of the testimony of each witness.
- February 25, 2009 - 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).
- March 2, 2009 - Respondents' Counsel and Complaint Counsel exchange deposition transcript counter-designations.
- March 3, 2009 - Deadline for filing responses to motions for summary decision.
- February 27, 2009 - Deadline for depositions of experts (including rebuttal experts).
- February 27, 2009 - Deadline for filing motions *in limine* and motions to strike witnesses. (Such motions shall be no longer than 2500 words.)
- March 6, 2009 - Deadline for filing motions for *in camera* treatment of proposed trial exhibits.

- March 10, 2009 - Deadline for filing responses to motions *in limine* and motions to strike witnesses.
- March 13, 2009 - Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.
- March 13, 2009 - Complaint Counsel files pretrial brief, to include proposed findings of fact and conclusions of law. To the extent possible, findings of fact shall be supported by document citations and/or deposition citations. Conclusions of law shall be supported by legal authority.
- March 19, 2009 - Exchange and serve courtesy copy on ALJ objections to final proposed witness lists and exhibit lists. Exchange objections to the designated testimony to be presented by deposition and counter designations.
- March 23, 2009 - Exchange proposed stipulations of law, facts, and authenticity.
- March 25, 2009 - Respondent's Counsel files pretrial brief, to include proposed findings of fact and conclusions of law. To the extent possible, findings of fact shall be supported by document citations and/or deposition citations. Conclusions of law shall be supported by legal authority.
- March 26, 2009 - File final stipulations of law, facts, and authenticity. Any subsequent stipulations may be offered as agreed by the parties.
- March 27, 2009 - Final prehearing conference to be held at 10:00 a.m. to begin at 10:00 a.m. in 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 and any designated deposition testimony. Counsel may present any objections to the final proposed witness lists and exhibits, including the designated testimony to be presented by deposition. Trial exhibits will be admitted or excluded to the extent practicable.
- March 31, 2009 - Commencement of Hearing, to begin at 10:00 a.m. in room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580, or other location to be determined.

EXHIBIT C

ADDITIONAL PROVISIONS

1. Pursuant to Rule 3.21(c)(2), extensions or modifications to these deadlines will be made only upon a showing of good cause.

2. For all papers that are required to be filed with the Office of the Secretary, the parties shall serve a courtesy copy on the Administrative Law Judge by electronic mail to the following email address: oalj@ftc.gov by 5:00 p.m. on the designated date. This email account is to be used only for courtesy copies of pleadings filed with the Office of the Secretary. All submissions shall bear the words "Docket 9334" in the re line. Service by email shall be followed promptly by delivery of two hard copies by the next business day.

3. The parties shall serve each other by electronic mail. Respondents' Counsel and Complaint Counsel agree to waive their rights to Service under 16 C.F.F. § 4.4(a)-(b). ~~Service by email shall be followed promptly by delivery of a hard copy through one of the methods in 16 C.F.R. § 4.4(b). Deliveries shall be as follows:~~

For Complaint Counsel: name: _____
_____ address: Federal Trade Commission
_____ 600 Pennsylvania Ave., NW
_____ Washington, DC 20580
_____ fax: 202-326-
_____ tel: 202-326-
_____ email: _____

For Respondents' Counsel: name: _____
_____ address: _____
_____ fax: _____
_____ tel: _____
_____ email: _____

4. Each pleading that cites to unpublished opinions or opinions not available on LEXIS or WESTLAW shall include such copies as exhibits.

5. Each motion (other than a motion to dismiss or a motion for summary decision) shall be accompanied by a signed statement representing that counsel for the moving party has conferred with opposing counsel in an effort in good faith to resolve by agreement the issues raised by the motion and has been unable to reach such an agreement. Motions that fail to include such statement may be denied on that ground.

6. Each motion must attach a draft order containing the proposed relief. All such attachments must be titled "Proposed Order," instead of simply "Order." In no event shall a

party file a pleading that is titled "Order."

7. If papers filed with the Office of the Secretary contain *in camera* or confidential material, the filing party shall mark any such material in the complete version of their submission with **{bold font and braces}**. 16 C.F.R. § 3.45. Parties shall be aware of the rules for filings containing such information, including 16 C.F.R. § 4.2.

8. Motions for *in camera* treatment for evidence to be introduced at trial must meet the strict standards set forth in 16 C.F.R. § 3.45 and explained in *In re Dura Lube Corp.*, 1999 FTC LEXIS 255 (Dec. 23, 1999); *In re Hoechst Marion Roussel, Inc.*, 2000 FTC LEXIS 157 (Nov. 22, 2000) and 2000 FTC LEXIS 138 (Sept. 19, 2000); *In re Basic Research, Inc.*, 2006 FTC LEXIS 14 (Jan. 25, 2006). Motions also must be supported by a declaration or affidavit by a person qualified to explain the confidential nature of the documents. *In re North Texas Specialty Physicians*, 2004 FTC LEXIS 66 (April 23, 2004). Each party or non-party that files a motion for *in camera* treatment shall provide one copy of the documents for which *in camera* treatment is sought to the Administrative Law Judge.

9. Compliance with the scheduled end of discovery requires that the parties serve subpoenas and discovery requests sufficiently in advance of the discovery cut-off and that all responses and objections will be due on or before that date, unless otherwise noted. Any motion to compel responses to discovery requests shall be filed within 5 days of impasse if the parties are negotiating in good faith and are not able to resolve their dispute.

10. Each party is limited to 50 document requests; 50 interrogatories, including all discrete subparts; and 50 requests for admissions, except that there shall be no limit on the number of requests for admission for authentication and admissibility of exhibits. There is no limit to the number of sets of discovery requests the parties may issue, so long as the total number of each type of discovery request, including all discrete subparts, does not exceed these limits. Additional discovery may be permitted only for good cause shown upon application to and approval by the Administrative Law Judge. Responses to document requests, interrogatories, and requests for admission shall be due within 20 days of service. Objections to document requests, interrogatories, and requests for admission shall be due within 10 days of service.

11. The deposition of any person may be recorded by videotape, provided that the deposing party notifies the deponent and all parties of its intention to record the deposition by videotape at least five days in advance of the deposition.

12. The parties shall serve upon one another, at the time of issuance, copies of all subpoenas *duces tecum* and subpoenas *ad testificandum*. For subpoenas *ad testificandum*, the party seeking the deposition shall consult with the other parties before the deposition date is scheduled.

13. Non-parties shall provide copies or make available for inspection and copying of documents requested by subpoena to the party issuing the subpoena. The party that has

requested documents from non-parties shall provide copies of the documents received from non-parties to the opposing party within five business days of receiving the documents. No deposition of a non-party shall be scheduled between the time a non-party provides documents in response to a subpoena *duces tecum* to a party, and 3 days after the party provides those documents to the other party, unless a shorter time is required by unforeseen logistical issues in scheduling the deposition, or a non-party produces those documents at the time of the deposition as agreed to by all parties involved.

14. The final witness lists shall represent counsels' good faith designation of all potential witnesses who counsel reasonably expect may be called in their case-in-chief. Parties shall notify the opposing party promptly of changes in witness lists to facilitate completion of discovery within the dates of the scheduling order. The final proposed witness list may not include additional witnesses not listed in the preliminary witness lists previously exchanged unless by order of the Administrative Law Judge upon a showing of good cause.

15. The final exhibit lists shall represent counsels' good faith designation of all trial exhibits other than demonstrative, illustrative, or summary exhibits. Additional exhibits may be added after the submission of the final lists only by order of the Administrative Law Judge upon a showing of good cause.

16. At the time an expert is first listed as a witness by a party, the listing party will provide to the other party the qualifications of the witness, including a list of all publications authored by the witness within the preceding 10 years; the compensation to be paid for the study and testimony; a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding 4 years; and transcripts of such testimony in the possession, custody or control of the listing party or expert.

17. Each expert report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefor; the data, materials, or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions. Unless otherwise agreed by the parties, draft reports and notes of experts need not be produced. Communications between experts and counsel or consultants need not be produced unless relied upon by the expert in formulating an opinion in the case.

18. A party may not discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for hearing and who is not listed as a witness at hearing.

19. Applications for the issuance of subpoenas commanding a person to attend and give testimony at the adjudicative hearing must comply with 16 C.F.R. § 3.34, must demonstrate that the subject is located in the United States, and must be served on opposing counsel. Oppositions to applications for issuance of subpoenas shall be due within three business days.

20. Witnesses shall not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. F.R.E. 602.

21. Witnesses not properly designated as expert witnesses shall not provide opinions beyond what is allowed in F.R.E. 702. F.R.E. 701.

22. Properly admitted deposition testimony and properly admitted investigational hearing transcripts are part of the record and may not be read in open court. Videotape deposition excerpts that have been admitted in evidence may be presented in open court only upon prior approval by the Administrative Law Judge.

23. The parties shall provide one another, and the Administrative Law Judge, no later than 48 hours in advance, not including weekends and holidays, a list of all witnesses to be called on each day of hearing, subject to possible delays or other unforeseen circumstances.

24. The parties shall provide one another with copies of any demonstrative, illustrative or summary exhibits (other than those prepared for cross-examination) 24 hours before they are used with a witness.

25. Complaint Counsel's exhibits shall bear the designation PX and Respondent's exhibits shall bear the designation RX or some other appropriate designation. Both sides shall number the first page of each exhibit with a single series of consecutive numbers. When an exhibit consists of more than one piece of paper, each page of the exhibit must bear a consecutive control number or some other consecutive page number. Additionally, parties must account for all their respective exhibit numbers. Any number not actually used at the hearing shall be designated "intentionally not used."

26. At the final prehearing conference, counsel will be required to introduce all exhibits they intend to introduce at trial. Additional exhibits may be added after the final prehearing conference only by order of the Administrative Law Judge upon a showing of good cause. Counsel will also be required to give *the originals* of exhibits to the court reporter, which the court reporter will maintain as part of the record.

ORDERED:

D. Michael Chappell
Administrative Law Judge

Date: