

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

_____)	
In the Matter of)	
)	
Axon Enterprise, Inc.)	
a corporation,)	Docket No. 9389
)	
and)	
)	
Safariland, LLC,)	
a partnership,)	
)	
Respondents.)	
_____)	

**ORDER GRANTING UNOPPOSED MOTION FOR
LEAVE TO AMEND ANSWER AND AFFIRMATIVE DEFENSES**

On February 27, 2020, Respondent Axon Enterprise, Inc. (“Respondent”) filed an Unopposed Motion for Leave to Amend its Answer and Affirmative Defenses (“Motion”), pursuant to Rule 3.15 of the Federal Trade Commission’s (“FTC”) Rules of Practice. Rule 3.15(a) sets forth: “If and whenever determination of a controversy on the merits will be facilitated thereby, the Administrative Law Judge may, upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties, allow appropriate amendments to pleadings” 16 C.F.R. § 3.15(a).

Respondent filed its Answer on January 21, 2020, which included affirmative defenses relating to (1) new entrants to the relevant product market that offset any alleged anticompetitive effects of the transaction, (2) the pro-competitive effects of the transaction, including efficiencies, cost-synergies, and product improvements, and (3) VieVu’s status as a failing or flailing firm. As set forth in the Unopposed Motion, Complaint Counsel subsequently requested that Respondent file an amended answer with additional allegations of facts underlying each of these affirmative defenses, and, after meeting and conferring with Complaint Counsel, Respondent agreed to file the instant Motion to reflect changes to its Tenth, Eleventh, and Twelfth Affirmative Defenses.

Upon consideration of the Unopposed Motion, allowing the amendments will facilitate a determination on the merits in this proceeding, will not cause prejudice to any party, and is in the public interest. Moreover, the amendments were requested by Complaint Counsel. Accordingly, the Unopposed Motion is GRANTED, and it is hereby ORDERED that Respondent may file

with the Office of the Secretary of the FTC the public and confidential version of the Amended Answer attached as Exhibit B to the public and confidential versions of the Motion, no later than March 4, 2020. This Order shall not impact any deadlines in the Scheduling Order.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: February 28, 2020