

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS: Maureen K. Ohlhausen, Acting Chairman
 Terrell McSweeney**

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In the Matter of)		PUBLIC
)		
Impax Laboratories, Inc., a corporation)		Docket No. 9373
)		

ORDER RESCHEDULING EVIDENTIARY HEARING DATE

On January 19, 2017, the Federal Trade Commission issued the Administrative Complaint in this adjudicative proceeding and scheduled the evidentiary hearing for September 19, 2017. On June 7, 2017, Impax and Complaint Counsel filed a Joint Motion that requests the Commission set a later hearing date to accommodate a brief, five-week extension of the discovery schedule. The parties agree that such additional time is necessary for “orderly and efficient completion of fact discovery that will minimize any potential burden on witnesses and third parties.”¹

In the past few weeks, a significant discovery dispute has arisen between the parties over the timeliness of document production ahead of witness depositions. Complaint Counsel argues that it is entitled to receive the witnesses’ documents at least four days prior to a deposition. Impax argues that it is unable to meet that demand due to the extensive and time-consuming nature of its document gathering, review, and production efforts, as well as logistical issues with its vendor. As both parties wish to minimize the disruption to the schedule and burden on witnesses that might result from being re-called for a second deposition, and Impax agrees that it can complete its production of documents by the current fact discovery deadline, Impax and Complaint Counsel respectively request that the Commission set October 24, 2017, for the evidentiary hearing.

A modest movement in the hearing date to complete fact discovery in an expeditious and efficient way is in the public interest. Under these circumstances, there is good cause to reschedule the evidentiary hearing to October 24, 2017. Accordingly,

¹ Impax and Complaint Counsel’s Joint Motion For A Later Evidentiary Hearing Date at 1, In the Matter of Impax Laboratories, Inc., F.T.C. Docket No. 9373 (Jun. 7, 2017), *available at* <https://www.ftc.gov/system/files/documents/cases/d09373jtmtnlaterhearingdate.pdf>.

IT IS ORDERED that the evidentiary hearing in this proceeding be, and it hereby is, rescheduled to begin at 10:00 a.m. October 24, 2017, at the Federal Trade Commission offices at 600 Pennsylvania Avenue, N.W., Room 532, Washington, D.C. 20580.

By the Commission.

Donald S. Clark
Secretary

SEAL:
ISSUED: June 15, 2017