

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION and
THE PEOPLE OF THE STATE OF NEW
YORK, by LETITIA JAMES, Attorney
General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited
liability company;

PREVAGEN, INC., a corporation
d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE
MANUFACTURING, LLC, a limited
liability company; and

MARK UNDERWOOD, individually and as
an officer of QUINCY BIOSCIENCE
HOLDING COMPANY, INC., QUINCY
BIOSCIENCE, LLC, and PREVAGEN,
INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

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~~PROPOSED~~ STIPULATED ORDER TO EXTEND DEADLINES

LLS

WHEREAS Plaintiffs, the Federal Trade Commission and the People of the State of New York by Letitia James, Attorney General of the State of New York ("Plaintiffs"), and Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen Inc., Quincy Bioscience Manufacturing, LLC, and Mark Underwood (collectively, "Defendants") (Plaintiffs and Defendants, collectively, "Parties") have conferred with respect to the deadlines for expert discovery set forth in the Stipulated Order to Extend Deadlines (ECF No. 167);

WHEREAS the Stipulated Scheduling Order to Extend Deadlines provides deadlines for the parties to exchange rebuttal expert reports and to complete expert discovery;

WHEREAS Plaintiffs submitted three initial expert reports, and Defendants submitted five initial expert reports;

WHEREAS Plaintiffs need additional time to exchange rebuttal expert reports and to complete expert discovery due to the schedules of Plaintiffs' experts and the large number of depositions that must be taken; and

WHEREAS there have been six prior extensions of various case deadlines in this matter, which this Court has granted in Orders dated March 6, 2017 (to allow Defendants to file a Motion to Dismiss), March 20, 2020 (to allow Defendants to complete document production), June 8, 2020 (to provide for conducting depositions remotely in light of the COVID-19 pandemic), September 16, 2020 (to allow the Parties to continue to meet and confer on any Rule 30(b)(6) depositions of Plaintiffs and to extend the deadline for such depositions), October 13, 2020 (to allow Plaintiffs to file letter-motions requesting a pre-motion discovery conference seeking protective orders in response to Defendant's Revised Rule 30(b)(6) Notices of Deposition to Plaintiffs), and March 17, 2021 (to allow Plaintiffs more time to submit initial expert reports due to the schedules of Plaintiffs' experts).

IT IS HEREBY STIPULATED AND AGREED between and among the Parties, by and through their undersigned counsel, as follows:

1. **Expert Reports and Depositions**: The Parties will exchange rebuttal expert reports no later than July 16, 2021. The Parties will complete expert discovery, including expert depositions, by October 22, 2021. The Parties agree that the current deadline of June 24, 2021 for

exchanging rebuttal expert reports will be held in abeyance while the Court considers the Parties' Proposed Stipulated Order to Extend Deadlines.

2. **Status Conference:** The Status Conference currently set for September 10, 2021 at 12:30 p.m. is adjourned to November 12, 2021 at 3 p.m.

Friday Nov 12, '21 at 3^{pm}

Louis L. Slawton

6/29/21

SO STIPULATED:

Dated: New York, New York
June 21, 2021

FEDERAL TRADE COMMISSION

PEOPLE OF THE STATE OF NEW YORK
BY LETITIA JAMES

/s/ Annette Soberats
MICHELLE RUSK
ANNETTE SOBERATS
EDWARD GLENNON
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20850
202-326-3148, mrusk@ftc.gov
202-326-2921, asoberats@ftc.gov
202-326-3126, eglennon@ftc.gov
202-326-3259 (facsimile)

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

LETITIA JAMES
Attorney General of the State of New York

By: /s/ Kate Matuschak
JANE M. AZIA
Bureau Chief
KATE MATUSCHAK
Assistant Attorney General
Consumer Frauds and Protection Bureau
28 Liberty Street
New York, NY 10005
Tel: (212) 416-6189; Fax: (212) 416-6003
Email: kate.matuschak@ag.ny.gov

FOR KELLEY DRYE

FOR COZEN O'CONNOR

/s/ Geoffrey W. Castello, III

Geoffrey W. Castello, III.
Glenn T. Graham
Jaclyn M. Metzinger
Kelley Drye & Warren LLP
3 WTC, 175 Greenwich St.
New York, NY 10007
(212) 808-7800
gcastello@kelleydrye.com
ggraham@kelleydrye.com
jmetzinger@kelleydrye.com

*Attorneys for Defendants
Quincy Bioscience Holding Co., Inc.,
Quincy Bioscience, LLC,
Prevagen Inc., and
Quincy Bioscience Manufacturing, LLC*

/s/ Michael B. deLeeuw

Michael B. de Leeuw
Tamar S. Wise
Cozen O'Connor
3 WTC, 175 Greenwich St., 55th Floor
New York, NY 10007
(212) 908-1331
mdeleeuw@cozen.com
twise@cozen.com

*Attorneys for Defendant
Mark Underwood*

SO ORDERED, this 29th day of
June, 2021,

Louis L. Stanton
LOUIS STANTON
UNITED STATES DISTRICT JUDGE