

PUBLIC

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



In the Matter of

ECM BioFilms, Inc.,
a corporation, also d/b/a
Enviroplastics International,
Respondent.

DOCKET NO. 9358

**ORDER GRANTING JOINT MOTION TO EXTEND DEADLINE TO
FILE EXPERT WITNESS RELATED MOTIONS *IN LIMINE***

On July 14, 2014, Federal Trade Commission ("FTC") Complaint Counsel and Respondent ECM BioFilms, Inc. ("Respondent" or "ECM") filed a Joint Motion seeking to extend the deadline for filing motions *in limine* related to expert witnesses ("Joint Motion"). Under the Third Revised Scheduling Order, the deadline for filing motions *in limine* is July 14, 2014. The parties state that the parties have not yet completed all depositions of the experts in this matter. Thus, the parties request an extension of the deadline for filing motions *in limine* related to experts in order to enable the parties to complete the expert depositions prior to filing motions *in limine* relating to experts. Granting this extension would not affect the date of the hearing.

Pursuant to Commission Rule 3.21(c)(2), "[t]he Administrative Law Judge may, upon a showing of good cause, grant a motion to extend any deadline or time specified in [the] scheduling order other than the date of the evidentiary hearing." 16 C.F.R. § 3.21(c)(2). The parties have demonstrated good cause. Accordingly, the Joint Motion is GRANTED. However, the parties are advised that motions *in limine* relating to experts are strongly disfavored. *E.g., In re LabMD, Inc.*, 2014 FTC LEXIS 115 (May 5, 2014).

The Third Revised Scheduling Order is hereby revised to extend the deadline for filing motions *in limine* relating to experts to July 17, 2014 and to extend the deadline for filing responses to any such motions to July 22, 2014.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: July 14, 2014