

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



\_\_\_\_\_  
In the Matter of )  
 )  
Steris Corporation, )  
a corporation, and )  
 )  
Synergy Health PLC, )  
a corporation, )  
Respondents. )  
\_\_\_\_\_ )

DOCKET NO. 9365

**ORDER GRANTING JOINT MOTION AND  
REVISING SCHEDULING ORDER**

On September 29, 2015,<sup>1</sup> the parties filed a Corrected Joint Motion for Extension of Upcoming Scheduling Order Deadlines. The parties represent that the extension is requested in order to provide adequate time for the parties to fully evaluate the September 24, 2015 Opinion and Order Denying Plaintiff's Motion for Preliminary Injunction in *FTC v. STERIS Corp., et al.*, No. 15-cv-1080-DAP (N.D. Ohio).

The parties have not previously sought any extensions to other deadlines in the Scheduling Order, issued June 30, 2015. None of the requested modifications to the Scheduling Order would affect the date on which the hearing is scheduled to begin. The parties have demonstrated good cause for the requested extensions. Accordingly, the Joint Motion is GRANTED.

However, two of the requested deadlines fall on a federal holiday. In addition, the proposed change to the deadline to provide notice to opposing parties or non-parties for whom parties intend to offer confidential materials at the hearing affects deadlines for filing motions for *in camera* treatment and responses thereto. Accordingly, the remaining deadlines are revised as follows:

<sup>1</sup> The parties originally filed their motion on September 28, 2015. The corrected motion corrects an error that does not affect the dates requested or the reasons provided for requesting the extensions.

- October 7, 2015 - Respondents' Counsel provides to Complaint Counsel its final proposed witness and exhibit lists, including depositions, copies of all exhibits (except for demonstrative, illustrative or summary exhibits and expert related exhibits), Respondents' basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness.  
  
Respondents' Counsel serves courtesy copies on ALJ its final proposed witness and exhibit lists, its basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including its expert witnesses.
- October 13, 2015 - 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). *See* Additional Provision 6.
- October 13, 2015 - 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 Respondents' expert reports. If material outside the scope of fair rebuttal is presented, Respondents will have the right to seek appropriate relief (such as striking Complaint Counsel's rebuttal expert reports or seeking leave to submit surrebuttal expert reports on behalf of Respondents).
- October 13, 2015 - Deadline for filing motions *in limine* to preclude admission of evidence. *See* Additional Provision 8.
- October 14, 2015 - Exchange and serve courtesy copy on ALJ objections to final proposed witness lists and exhibit lists.
- October 15, 2015 - Deadline for depositions of experts (including rebuttal experts) and exchange of expert related exhibits.
- October 16, 2015 - Complaint Counsel files pretrial brief supported by legal authority.
- October 19, 2015 - Deadline for filing responses to motions in limine to preclude admissions of evidence.
- October 20, 2015 - Deadline for filing motions for *in camera* treatment of proposed trial exhibits.
- October 21, 2015 - Exchange proposed stipulations of law, facts, and authenticity.
- October 23, 2015 - Deadline for filing responses to motions for *in camera* treatment

of proposed trial exhibits.

- October 23, 2015 - Respondents' Counsel files pretrial brief supported by legal authority.
- October 26, 2015 - By 1:00 p.m., file final stipulations of law, facts, and authenticity. Any subsequent stipulations may be offered as agreed by the parties.
- October 27, 2015 - Final prehearing conference to begin at 10:00 a.m. in FTC Courtroom, 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 of exhibits.


To the extent the parties stipulate to certain issues, the parties shall prepare a Joint Exhibit which lists the agreed stipulations.

Counsel may present any objections to the final proposed witness lists and exhibits. Trial exhibits will be admitted or excluded to the extent practicable. To the extent the parties agree to the admission of each other's exhibits, the parties shall prepare a Joint Exhibit which lists the exhibits to which neither side objects. Any Joint Exhibit will be signed by each party. (Do not include a signature line for the ALJ.)

- October 28, 2015 - Commencement of Hearing, to begin at 10:00 a.m. in FTC Courtroom, Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

All Additional Provisions from the June 30, 2015 Scheduling Order remain in effect.

ORDERED:

  
\_\_\_\_\_  
D. Michael Chappell  
Chief Administrative Law Judge

Date: September 29, 2015

Notice of Electronic Service

**I hereby certify that on September 29, 2015, I filed an electronic copy of the foregoing Order Granting Joint Motion and Revising Scheduling Order, with:**

D. Michael Chappell  
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**I hereby certify that on September 29, 2015, I served via E-Service an electronic copy of the foregoing Order Granting Joint Motion and Revising Scheduling Order, upon:**

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**I hereby certify that on September 29, 2015, I served via other means, as provided in 4.4(b) of the foregoing Order Granting Joint Motion and Revising Scheduling Order, upon:**

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