

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



_____)
In the Matter of _____)
_____)
Louisiana Real Estate Appraisers Board, _____)
_____)
Respondent. _____)
_____)

Docket No. 9374

FOURTH REVISED SCHEDULING ORDER

On March 21, 2019, the Commission issued an Order Lifting Stay and Resuming Administrative Proceedings, directing that the evidentiary hearing in this proceeding commence on September 17, 2019, and that a revised prehearing scheduling order be issued ("March 21 Order"). On March 25, 2019, the parties submitted a Joint Motion for Revised Scheduling Order. The parties request modification of the remaining dates to reflect the original sequence of dates set forth in the Scheduling Order, but adjusted for the new September 17, 2019 trial date.

Pursuant to the March 21, 2019 Order and upon review of the parties' proposal, the parties' Joint Motion is GRANTED, except as modified herein. The Scheduling Order, originally issued in this case on July 6, 2017, and revised by subsequent orders, is further revised as set forth below.

- June 21, 2019 - 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 7.
- August 2, 2019 - Deadline for filing motions for *in camera* treatment of proposed trial exhibits.
- August 6, 2019 - Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.
- August 6, 2019 - Complaint Counsel files pretrial brief supported by legal authority.

- August 9, 2019 - Exchange proposed stipulations of law, facts, and authenticity.
- August 15, 2019 - Exchange and serve courtesy copy on ALJ objections to final proposed witness lists and exhibit lists. The Parties are directed to review the Commission's Rules on admissibility of evidence before filing objections to exhibits.
- August 15, 2019 - Deadline for depositions of experts (including rebuttal experts) and exchange of expert related exhibits.
- August 16, 2019 - Deadline for filing motions *in limine* to preclude admission of evidence. See Additional Provision 9.
- August 20, 2019 - Deadline for filing responses to motions *in limine* to preclude admission of evidence.
- August 20, 2019 - Respondent's Counsel files pretrial brief supported by legal authority.
- September 13, 2019 - Final prehearing conference to begin at 1:00 p.m. in FTC Courtroom, Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

The parties shall meet and confer prior to the prehearing conference regarding trial logistics and proposed stipulations of law, facts, and authenticity of exhibits. To the extent the parties have agreed to stipulate to any issues of law, facts, and/or authenticity of exhibits, the parties shall prepare a list of such stipulations and submit a copy of the stipulations to the ALJ one business day prior to the conference. At the conference, the parties' list of stipulations shall be marked as "JX1" and signed by each party, and the list shall be offered into evidence as a joint exhibit. No signature by the ALJ is required. Any subsequent stipulations may be offered as agreed by the parties.

Counsel may present any objections to the final proposed witness lists and exhibits. All 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 list identifying each

exhibit to which admissibility is agreed, marked as "JX2" and signed by each party, which list shall be offered into evidence as a joint exhibit. No signature by the ALJ is required.

September 17, 2019 - 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.

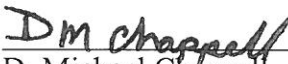
All other provisions of the July 6, 2017 Scheduling Order remain in effect, except that provision 22 is modified and a new provision, provision 26, is added, as described below.

Provision 22 is modified to require the parties to provide the court reporter with a list of all witnesses to be called on each day of hearing at the same time as the parties provide such list to each other and the ALJ.

Provision 26 is added as follows:

26. If any party wishes to offer a rebuttal witness other than a rebuttal expert, the party shall file a request in writing in the form of a motion to request a rebuttal witness. That motion shall be filed as soon as possible after the testimony sought to be rebutted is known and shall include: (a) the name of any witness being proposed (b) a detailed description of the rebuttal evidence being offered; (c) citations to the record, by page and line number, to the evidence that the party intends to rebut; and shall demonstrate that the witness the party seeks to call has previously been designated on its witness list or adequately explain why the requested witness was not designated on its witness list.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: March 26, 2019