

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



In the Matter of)
)
Sanford Health,)
a corporation,)
)
Sanford Bismarck,)
a corporation, and)
)
Mid Dakota Clinic, P.C.,)
a corporation,)
)
Respondents.)

DOCKET NO. 9376

THIRD REVISED SCHEDULING ORDER

The Revised Scheduling Order, as amended by Order issued November 14, 2017, is further revised as set forth below. All other provisions of the original Scheduling Order remain in effect.

- January 3, 2018 - Deadline for filing motions *in limine* to preclude admission of evidence. See Additional Provision 9.
- January 3, 2018 - Deadline for depositions of experts (including rebuttal experts) and exchange of expert related exhibits.
- January 3, 2018 - 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.
- January 5, 2018 - Deadline for filing responses to motions *in limine* to preclude admission of evidence.

- January 5, 2018 - Exchange proposed stipulations of law, facts, and authenticity.
- January 10, 2018 - Deadline for filing motions for *in camera* treatment of proposed trial exhibits.
- January 10, 2018 - Complaint Counsel files pretrial brief supported by legal authority.
- January 12, 2018 - Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.
- January 16, 2018 - Respondents' Counsel files pretrial brief supported by legal authority.
- January 16, 2018 - Final prehearing conference to begin at 12:00 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. 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.

January 17, 2018

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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.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: November 27, 2017