

PUBLIC

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

In the Matter of)	
)	
Altria Group, Inc.,)	
a corporation,)	Docket No. 9393
)	
and)	
)	
JUUL Labs, Inc.)	
a corporation,)	
)	
Respondents.)	

**ORDER ON JOINT MOTION FOR ENTRY OF BRIEFING SCHEDULE
FOR MOTION TO QUASH OR LIMIT SUBPOENA**

On October 2, 2020, non-party Perella Weinberg Partners LP (“PWP”) filed a Joint Motion with Federal Trade Commission (“FTC”) Complaint Counsel for the entry of a schedule for briefing PWP’s planned motion to limit or quash a subpoena *duces tecum* (“Subpoena”) received by PWP from Complaint Counsel on September 17, 2020 (“Joint Motion”).

Under FTC Rule of Practice 3.34(c), any motion to limit or quash a subpoena must be filed within 10 days of receipt of the subpoena. 16 C.F.R. § 3.34(c). By Order issued September 29, 2020, PWP’s deadline to file such a motion was extended to October 2, 2020 to provide additional time for negotiations regarding PWP’s objections to the scope of the Subpoena.

The Joint Motion states that PWP’s counsel and Complaint Counsel have met and conferred multiple times, including on October 1, 2020, but have been unable to resolve PWP’s objections to the scope of the Subpoena. The Joint Motion further states that PWP’s counsel and Complaint Counsel have agreed upon a proposed briefing schedule to enable both sides sufficient opportunity for thorough briefing of the issues presented, and asserts that the proposed schedule will not adversely affect the overall discovery schedule in this case. The Joint Motion requests an order further extending PWP’s deadline to file a motion to quash or limit the Subpoena to October 9, 2020 and to set a deadline of October 16, 2020 for Complaint Counsel to file any opposition thereto.

FTC Rule 4.3(b) authorizes the Administrative Law Judge, except in circumstances not here presented, to extend any time limit prescribed by the rules “[f]or good cause shown.” 16 C.F.R. § 4.3(b). Based on the representations in the Joint Motion, there is good cause to extend PWP’s deadline and to enter the requested dates for the motion to quash and any opposition thereto, and the requested schedule is GRANTED as to those dates.

The Joint Motion also proposes setting October 21, 2020 as the date for “PWP’s reply, if any.” Joint Motion at 2. FTC Rules do not provide a right to reply, but require a motion for leave to file a reply, which may include a conditional reply, and which “shall be permitted only in circumstances where the parties wish to draw the Administrative Law Judge’s . . . attention to recent important developments or controlling authority that could not have been raised earlier in the party’s principal brief.” 16 C.F.R. § 3.22(d). Therefore, the request to set a date for PWP’s filing of a reply is DENIED. However, the requested deadline will be entered as the date by which PWP must file any motion for leave to reply, together with its proposed reply, in accordance with the provisions of Rule 3.22(d).

Accordingly, the Joint Motion is GRANTED IN PART and DENIED IN PART, and it is hereby ORDERED that: PWP’s deadline for filing any motion to limit or quash the Subpoena pursuant to Rule 3.34(c) is extended to October 9, 2020; Complaint Counsel’s deadline for filing any response to such motion shall be October 16, 2020; and the deadline for PWP to file any motion for leave to file a reply, together with its proposed reply, pursuant to Rule 3.22(d), shall be October 21, 2020.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: October 5, 2020