

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Lina M. Khan, Chair  
Noah Joshua Phillips  
Rebecca Kelly Slaughter  
Christine S. Wilson**

**In the Matter of**

**Altria Group, Inc.,  
a corporation;**

**and**

**JUUL Labs, Inc.,  
a corporation.**

**Docket No. 9393**

**ORDER GRANTING EXTENSION OF TIME**

This proceeding involves two theories of liability: (1) an allegedly anticompetitive agreement between Altria Group, Inc. (“Altria”) and JUUL Labs, Inc. (“JLI”) (collectively, “Respondents”), alleged by the Commission’s Complaint to violate Section 1 of the Sherman Act and Section 5 of the Federal Trade Commission Act; and (2) Altria’s acquisition of an ownership stake in JLI, alleged by the Complaint to violate Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. Respondents deny liability under either theory. Chief Administrative Law Judge D. Michael Chappell conducted the trial of this matter over several weeks in June 2021.

The FTC’s Rule of Practice 3.51(a) provides that “[t]he Administrative Law Judge [‘ALJ’] shall file an initial decision within 70 days after the filing of the last filed initial or reply proposed findings of fact, conclusions of law and order” and that the ALJ may extend this time period by up to 30 days for good cause. 16 C.F.R. § 3.51(a). Pursuant to FTC Rule 3.51(a), Judge Chappell issued an order on December 17, 2021, extending the time for filing the Initial Decision from the initial presumptive deadline, December 22, 2021, to January 21, 2022 (“Order”). Judge Chappell now requests that we further extend the time period to February 17, 2022.

FTC Rule 3.51(a) provides that the Commission may further extend the time period for good cause. We find that good cause exists in this case. The record of the multi-week trial is extensive, involving numerous witnesses and complex issues under two major theories of liability. Over 2,480 exhibits were admitted into evidence. Order at 1. Thirty-seven witnesses testified, either live or by deposition, resulting in over 3,400 pages of trial transcript from

witnesses' live testimony. *Id.* The parties submitted 3,900 proposed findings of fact. *Id.* The parties' proposed findings of fact and conclusions of law, replies to findings of fact and conclusions of law, post-trial briefs, and reply briefs total over 4,000 pages. *Id.* at 1-2. As Judge Chappell indicates, these substantial materials must be thoroughly reviewed to give proper consideration to the issues raised in the proceeding. Under these circumstances the extension of time requested by Judge Chappell is appropriate.

Accordingly,

**IT IS HEREBY ORDERED** that the time for filing the Initial Decision in this proceeding is extended to February 17, 2022.

By the Commission.

April J. Tabor  
Secretary

**SEAL:**  
**ISSUED: January 19, 2022**