

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



_____)
In the Matter of)
)
Staples, Inc.,)
a corporation)
)
and)
)
Office Depot, Inc.,)
a corporation,)
)
Respondents.)
_____)

Docket No. 9367

**JOINT MOTION OF COMPLAINT COUNSEL AND RESPONDENTS
TO AMEND SCHEDULING ORDER**

Complaint Counsel and Respondents jointly move the Court for an order amending the Scheduling Order to extend the deadlines for (1) providing notices to parties and non-parties of an intent to offer confidential materials at the hearing, which notices are currently due by April 11, 2016; (2) filing motions for *in camera* treatment of proposed trial exhibits, currently due by April 21, 2016; and (3) responding to any *in camera* motions that are filed, currently due by April 29, 2016. This is the first motion either party has filed for an amendment to the Court's January 4, 2016, Scheduling Order.

The grounds for this motion are that the parties are assessing the need to use third party materials so as to narrow the burden on third parties and the Court and to significantly reduce the time and expense the individual third parties would incur in filing individual motions seeking *in camera* treatment for their exhibits. As it stands, Complaint Counsel and Respondents expect to

notify approximately 150 non-parties regarding the procedure for seeking *in camera* treatment by April 11, 2016.

Therefore, Complaint Counsel and respondents respectfully request an order amending the deadlines for (1) providing notices to parties and non-parties of an intent to offer confidential materials at the hearing, now set for April 11, 2016 to April 20, 2016; (2) filing motions for *in camera* treatment of proposed trial exhibits, now set for April 21, 2016 to April 28, 2016; and (3) responding to any *in camera* motions that are filed, now set for April 29, 2016 to May 5, 2016.

A proposed order is attached.

Dated: April 7, 2016

/s/ Diane Sullivan

Diane Sullivan
Weil Gotshal & Manges LLP
767 Fifth Ave.
New York, NY 10153
diane.sullivan@weil.com
Telephone: (212) 310-8897

Jeffrey Perry
Carrie Anderson
Weil, Gotshal & Manges LLP
1300 Eye Street, NW, Suite 900
Washington, D.C. 20005
jeffrey.perry@weil.com
carrie.anderson@weil.com
Telephone: (202) 682-7000

Counsel for Respondent Staples, Inc.

/s/ Matthew J. Reilly

Matthew J. Reilly
Andrew M. Lacy
Peter C. Herrick
Simpson Thacher & Bartlett LLP
900 G Street, N.W.
matt.reilly@stblaw.com
alacy@stblaw.com
peter.herrick@stblaw.com
Telephone: 202-636-5566

Counsel for Respondent Office Depot, Inc.

Respectfully submitted,

/s/ Tara Reinhart

Tara Reinhart
Charles A. Loughlin
Alexis Gilman
Stelios Xenakis
Federal Trade Commission
Bureau of Competition
600 Pennsylvania Ave., NW
Washington, DC 20580
treinhart@ftc.gov
cloughlin@ftc.gov
agilman@ftc.gov
sxenakis@ftc.gov
Telephone: (202) 326-2638

Counsel Supporting the Complaint

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Office Depot, Inc.,)	
a corporation,)	
)	
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)	
)	

[PROPOSED] ORDER AMENDING SCHEDULING ORDER

Upon joint motion of Complaint Counsel and Respondents, it is hereby

ORDERED, that the Court’s January 4, 2016, Scheduling Order is amended as follows:

- | | |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| April 20, 2016 | Parties that intend to offer confidential materials of an opposing party or a nonparty as evidence at the hearing must provide notice to the opposing party or non-party, pursuant to 16 C.F.R. § 3.45(b). <i>See</i> Additional Provision 7. |
| April 28, 2016 | Deadline for filing motions for <i>in camera</i> treatment of proposed trial exhibits. |
| May 5, 2016 | Deadline for filing responses to motions for <i>in camera</i> treatment of proposed trial exhibits. |

All other provisions of the January 4, 2016, Scheduling Order remain in effect.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date:

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2016, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580

Diane Sullivan
Weil Gotshal & Manges LLP
767 Fifth Ave.
New York, NY 10153
diane.sullivan@weil.com
Telephone: (212) 310-8897

Jeffrey Perry
Carrie Anderson
Weil Gotshal & Manges LLP
1300 Eye Street, NW, Suite 900
Washington, D.C. 20005
jeffrey.perry@weil.com
carrie.anderson@weil.com
Telephone: (202) 682-7000

Counsel for Respondent Staples, Inc.

Matthew J. Reilly
Andrew M. Lacy
Peter C. Herrick
Simpson Thacher & Bartlett LLP
900 G Street, N.W.
matt.reilly@stblaw.com
alacy@stblaw.com
peter.herrick@stblaw.com
Telephone: 202-636-5566

Counsel for Respondent Office Depot, Inc.

I further certify that I delivered via electronic mail a copy of the foregoing document to:

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580

CERTIFICATE FOR ELECTRONIC FILING

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

April 7, 2016

By: s/ Tara Reinhart