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

In the Matter of IQVIA Holdings Inc., a corporation, and Propel Media, Inc., a corporation, Respondents.

Docket No. 9416

## **ORDER GRANTING MOTION TO EXTEND DEADLINES**

On November 30, 2023, Respondents IQVIA Holdings Inc. and Propel Media, Inc. filed a motion to extend the deadlines in the Scheduling Order ("Motion"). Federal Trade Commission ("FTC") Complaint Counsel filed an opposition on December 4, 2023.

The evidentiary hearing in this matter is scheduled to commence on December 20, 2023. Respondents state that the evidentiary hearing in the parallel federal court preliminary injunction proceeding is currently underway, *see FTC v. IQVIA Holdings Inc.*, No. 1:23-cv-06188-ER (S.D.N.Y. 2023), with closing arguments scheduled for December 8, 2023 and that the court has advised the parties that a decision on the FTC's preliminary injunction request is expected by December 29, 2023. Although Respondents state that they intend to move for a continuance following closing arguments in the federal court proceeding, as of the date of this order, no motion has been filed with the Commission seeking a continuance of the trial date. The Commission has routinely granted continuances in similar circumstances. *In re Meta*, Docket 9411, 2023 WL 621507 (Jan. 11, 2023) (citing cases).

In order to avoid burdensome and potentially unnecessary pretrial obligations, the date that trial testimony will commence is hereby set for January 18, 2024 and pretrial deadlines will be extended to accommodate this date. Extending the deadlines for filing labor-intensive motions for *in camera* treatment of proposed trial exhibits, currently set for December 11, 2023, and deadlines relating to exhibits and witnesses, currently set for early December, will alleviate the burden on the Court, on the parties, and on non-parties, should the Commission grant a motion to continue the December 20, 2023 Part 3 hearing date or withdraw the case from adjudication, or should the case be dismissed for any reason.

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For the above stated reasons, Respondents' Motion is GRANTED.

The remaining deadlines are amended as follows<sup>1</sup>:

December 19, 2023 – Final prehearing conference, to begin at 1:00 p.m. ET.

December 20, 2023 – Commencement of hearing and trial on the merits, limited to opening statements, to begin at 10:00 a.m. ET.

December 29, 2023 – 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).

January 3, 2024 – Parties exchange final proposed witness and exhibit lists. The parties provide courtesy copies to the ALJ of their final proposed witness and exhibit lists, the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including expert witnesses.

January 3, 2024 – Complaint Counsel to identify rebuttal expert(s) and provide rebuttal expert report(s).

January 4, 2024 – Exchange and serve courtesy copy on ALJ of objections to final proposed witness lists and exhibit lists.

January 5, 2024 – Deadline for depositions of experts (including rebuttal experts) and exchange of expert related exhibits.

January 8, 2024 – Complaint Counsel files pretrial brief supported by legal authority.

January 8, 2024 – Deadline for filing motions *in limine* to preclude admission of evidence.

January 8, 2024 – Deadline for filing motions for *in camera* treatment of proposed trial exhibits.

January 12, 2024 – Deadline for filing responses to motions *in limine* to preclude admission of evidence.

January 12, 2024 – Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.

January 12, 2024 – Exchange proposed stipulations of law, facts, and authenticity.

<sup>&</sup>lt;sup>1</sup> All other provisions of the August 7, 2023 Scheduling Order remain in effect.

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January 16, 2024 – Respondents' Counsel files pretrial brief supported by legal authority.

January 18, 2024 – Evidentiary hearing resumes with witness testimony to begin at 9:45 a.m. ET.

ORDERED:

Dm chappell

D. Michael Chappell Chief Administrative Law Judge

Date: December 5, 2023