

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

ADMINISTRATIVE LAW JUDGE: JAY L. HIMES

**IN THE MATTER OF:
NATALIA LYNCH, APPELLANT**

DOCKET No. D09423

JOINT MOTION TO ADJOURN THE JUNE 20, 2024 EVIDENTIARY HEARING

Pursuant to 16 C.F.R. § 4.3(b), Appellant Natalia Lynch (“Ms. Lynch”) and Respondent Horseracing Integrity and Safety Authority (“HISA”) (collective, “the Parties”) respectfully bring this joint motion to adjourn the evidentiary hearing set for June 20, 2024 and accompanying deadlines as set forth below.

ARGUMENT

On June 6, 2024 Administrative Law Judge Himes issued an Order Regarding Party Status Reports and Resetting Evidentiary Hearing (“the June 6 Order”). The June 6 Order set an evidentiary hearing in this matter for June 20, 2024. The June 6 Order further provided that the Parties must exchange certain information—namely, “[a] list of the witnesses they anticipate calling; [a] list of the exhibits they wish to introduce; and [a] list of the attorneys or other individuals who are expected to participate in the hearing” by June 13, 2024. The June 6 Order further provides that: “[a]ny stipulations of fact shall be filed by June 18, 2024”; “all provisions” of the May 9, 2024 Supplemental Order Regarding Exhibits and Evidence (as modified by the date above), continue to apply”; and “[a]ny slides that either side may seek to use on their opening statement should be provided to opposing counsel and the ALJ by June 18, 2024.”

Rule 4.3(b)(1) permits the Administrative Law Judge to “[e]xtend any time limit prescribed or allowed by order of the Administrative Law Judge” for “good cause shown” 16 C.F.R. § 4.3(b)(1). The June 6 Order is an order of the Administrative Law Judge and therefore falls within the scope of this rule. For the following reasons, the Parties submit there is good cause for adjourning the June 20, 2024 hearing date and accompanying deadlines.

First, H. Christopher Boehning, Ms. Lynch’s lead counsel, has an unavoidable conflict on that day and would not be able to participate in the hearing. Mr. Boehning is Counsel of Record in *Spectrum Retirement Communities, LLC v. Continental Casualty Co.*, Case No. 2021-CV-30695 which is pending before the District Court of Denver in Colorado State Court and was scheduled for a hearing on June 20 in Denver before the June 6 Order was issued.

Second, HISA joins in this motion for adjournment of the evidentiary hearing as it also has a conflict with the June 20 date due to a previously scheduled three-day hearing in Cleveland, Ohio and therefore, no party will be prejudiced.

Third, upon realizing the scheduling conflict, the Parties have conferred and have determined that all parties, counsel, and witnesses are available for the evidentiary hearing on August 12, if that would be acceptable to the Court.

CONCLUSION

Accordingly, the Parties respectfully request that the June 20, 2024 evidentiary hearing and the accompanying deadlines be adjourned as set forth in the attached proposed order.

Dated: June 10, 2024

Respectfully submitted,

/s/ Grant S. May

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ADMINISTRATIVE LAW JUDGE: JAY L. HIMES

IN THE MATTER OF:
NATALIA LYNCH, APPELLANT

DOCKET No. D09423

**[PROPOSED] ORDER GRANTING JOINT MOTION TO ADJOURN THE JUNE 20,
2024 EVIDENTIARY HEARING AND ACCOMPANYING DEADLINES**

By joint motion filed on June 10, 2024, Appellant Natalia Lynch (“Appellant”) and Respondent Horseracing Integrity and Safety Authority (“HISA”), (collectively, “the Parties”) request to adjourn the evidentiary hearing in this matter currently scheduled for June 20, 2024, and the accompanying deadlines (“Motion”).

Federal Trade Commission Rule of Practice 4.3(b)(1) permits the Administrative Law Judge to “[e]xtend any time limit prescribed or allowed by order of the Administrative Law Judge . . .” for “good cause shown . . .” 16 C.F.R. § 4.3(b)(1). The Parties contend that there is good cause for adjourning the evidentiary hearing because: H. Christopher Boehning, lead counsel for Ms. Lynch, is not available to participate in the hearing on June 20, 2024 due to a previously scheduled obligation to participate in a court hearing in another matter; HISA joins in this request as it also has a previously scheduled three-day hearing in another matter, and it therefore will not cause prejudice to either party.

Based on the foregoing, there is good cause for adjourning the evidentiary hearing and the Motion is GRANTED. It is hereby ORDERED that the evidentiary hearing in this matter is set for August 12, 2024. By August 5, 2024, the Parties must exchange and provide a courtesy copy to OALJ@ftc.gov a list of the witnesses they anticipate calling; a list of the exhibits they wish to introduce; and a list of attorneys or other individuals who are expected to participate in the hearing. Any stipulations of fact shall be filed by August 9, 2024, with a courtesy copy sent simultaneously to OALJ@ftc.gov. Any slides that either side may seek to use on their opening statement should be provided to opposing counsel and the ALJ by August 9, 2024. All Supplemental Exhibits, as defined in the May 9 Supplemental Order Regarding Exhibits and Evidence (“May 9 Order”) should be exchanged by the Parties on or before August 8, 2024, unless the Parties have arranged for an earlier exchange. A hard copy version of all Supplemental Exhibits shall be sent to Judge Himes at the address provided in the May 9 Order by noon on August 9, 2024.

ORDERED

Jay L. Himes
Administrative Law Judge

Date: June [10], 2024

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2024, pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), I caused the foregoing to be filed and served as follows:

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Federal Trade Commission
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