

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

	)	
In the Matter of	)	
	)	
Dr. Scott Shell, DVM	)	Docket No. 9435
	)	
Appellant.	)	
	)	

**ORDER ON PROPOSED FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND SUPPORTING BRIEFS**

Pursuant to the August 5 Order on Application for Review and Application for Stay, the hearing in this matter is limited to briefing by the parties as set forth in that Order. 16 C.F.R. § 1.146(c)(3).

It is hereby **ORDERED** that the parties’ opening and reply proposed findings of fact, conclusions of law, and legal briefs are subject to the following requirements:

- A. In addition to filing with the FTC Office of the Secretary, the parties shall provide courtesy copies of their filings to the Office of Administrative Law Judges (“OALJ”), electronically by email ([OALJ@ftc.gov](mailto:OALJ@ftc.gov)). The parties shall also provide a hard copy by hand delivery or overnight mail to Judge Himes, addressed as follows:

Jay L. Himes  
17 State Street, 40th Floor  
New York, NY 10004

As soon as practicable after dispatching the copy to Judge Himes, an email with the tracking information shall be sent to [OALJ@ftc.gov](mailto:OALJ@ftc.gov).

- B. The files shall be double-spaced in Times New Roman 12-point font.
- C. The electronic files shall be in provided in both MS-Word (.doc/.docx) format and .pdf format.
- D. Hard copies shall be printed double-sided and shall be spiral bound or coil bound. Velo binding or comb binding shall not be used.

- E. The following requirements apply to all filings and shall be strictly followed:
1. All proposed findings of fact shall be supported by specific references to the evidentiary record.
  2. All legal contentions shall be supported by applicable authority.
  3. All factual assertions made in a party's brief shall cite to a corresponding proposed finding of fact. Citations to individual documents or items of testimony that do not also reference a corresponding proposed finding of fact may be disregarded.
  4. When citing to exhibits in the Appeal Book ("AB"), the parties shall identify the document by its AB page number. An example of the format that shall be used is: AB 197.
  5. When citing to testimony in the arbitration, the parties shall identify that testimony by AB page number and the witness' last name. An example of the format that shall be used is: AB 197 (Doe).
  6. Do not use "*Id.*" as a cite in proposed findings of fact or reply findings of fact.
  7. Reply briefs shall be limited to refuting issues raised by the opposing side and should not be used merely to bolster assertions or arguments made in an opening brief.
  8. Reply briefs shall reply to the arguments in the same order as the arguments were presented by the opposing party in its opening brief.
  9. Reply findings of fact shall set forth the opposing party's proposed finding of fact in single space and then set forth the reply in double space.
    - a. Reply findings of fact shall be numbered to correspond to the opposing party's finding that the reply finding is refuting and shall use the same outline headings used by the opposing party in its opening proposed findings of fact.
    - b. If you have no specific response to, or do not disagree with, the opposing party's proposed finding of fact, set forth the opposing party's proposed finding of fact and then state that you have no specific response or do not disagree.
    - c. The opposing party's findings of fact shall not be included in the word count applicable to reply findings of fact.

- d. Reply findings of fact should be used only to directly contradict or otherwise refute the other side's proposed findings of fact. They should not be used merely to restate the proposition in language that is believed to be more favorable to your position.

**ORDERED:**

*Jay L. Himes*  
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Jay L. Himes  
Administrative Law Judge

Date: August 5, 2024