

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

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IN RE: MOTOR UP AMERICA, INC.

MOTOR UP AMERICA, INC.,
a corporation of the State of Michigan

DOCKET NO. 9291

KYLE BURNS,

individually and as an officer of
Motor Up America, Inc., a corporation of the State of Michigan

PRETRIAL SCHEDULING ORDER

Exchange initial disclosures

May 17, 1999

Exchange preliminary witness lists, including experts, with description

July 20, 1999

Exchange of preliminary witness lists, including experts, with description

Exchange document requests and interrogatories

10/10/00

Exchange of preliminary witness lists, including experts, with description

October 27, 1999

Conference pursuant to Rule 3.25 to report on negotiations for the settlement of the case, in whole or in part, by way of consent.

The parties are also directed to meet and discuss contested

issues of fact and simplification of the issues and the possibility of stipulating stipulations of facts.

Deadline for serving requests for admission.

November 11, 1999

Reports and produce written communications

November 15, 1999

Exchange rebuttal expert reports

Reports and other written materials

exchange between counsel, except other than drafts of expert reports and production

Discovery of U.S. documents, including expert in his/her analysis and conclusions

Deadline for filing motions for summary decision.

November 22, 1999

Discovery of facts and authenticity

December 1, 1999

Close of discovery, other than discovery permitted under Rule 3.25(b)(2) of this Order

The parties shall serve all discovery requests on each other in both hard copy (paper) and electronic format (disk or e-mail). Each response and/or objection to each discovery request shall be

discovery request to which the answer pertains.

preceded by the specific

depositions are permitted by agreement of counsel.

Depositions by the

and final with the court's good faith designation of all

4. The

parties shall

If any party seeks to file a pleading which includes the other party's or a third party's materials that are subject to confidentiality protections pursuant to a protective order entered in this matter, the filing party must notify opposing counsel and the producing party at least 14 days prior to such filing. If, upon notice, it is infeasible to file a written motion or brief, notice can be provided to opposing counsel by other means. If the party finds the time of notice to be insufficient, opposing counsel or the producing party shall have 7 days from the date of notice to make an application to the Administrative Law Judge to order such materials be treated *in camera*.

If the Administrative Law Judge either grants the application for *in camera* treatment of the material or does not rule on the application prior to the filing of the pleading containing confidential information, the party shall file two versions of the document in accordance with the procedures set forth in Rule 37 of the FRCP. If at least one document or information is to be confidential, *in camera* treatment pending a ruling on the application by the Administrative Law Judge.

The burden of showing that public disclosure will likely result in a clearly defined, serious injury to the party is placed on the party seeking confidentiality. The burden of showing that public disclosure will likely result in a clearly defined, serious injury to the party is placed on the party seeking confidentiality. The burden of showing that public disclosure will likely result in a clearly defined, serious injury to the party is placed on the party seeking confidentiality.

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10. The procedure for marking of exhibits referred to in the adjudicative proceed