

witness reports, witness and exhibit lists, and rebuttal expert reports, the Scheduling Order is revised as follows:

March 12, 2004 - Complaint Counsel provides expert witness reports.

- April 23, 2004 - Deadline for filing motions for *in camera* treatment of proposed trial exhibits.
- April 23, 2004 - Deadline for filing motions *in limine* and motions to strike.
- April 27, 2004 - Identify rebuttal expert(s) and provide sub 4.1

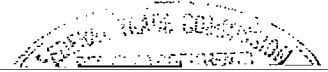
testimony to be presented by deposition. Trial exhibits will be

UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION

BEFORE FEDERAL TRADE COMMISSION JUN 18 PM 3:52

DOCUMENT PROCESSING

In the Matter of)
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(2) Once settlement negotiations failed, the parties have worked diligently and cooperatively to complete discovery. The parties have completed twenty (20) depositions to date, and have scheduled twenty (20) more within the next three weeks. However, that leaves an additional twenty (20) or more depositions that the parties wish to take before the close of discovery.

(3) On June 7, 2002, Complaint Counsel served a series of discovery requests

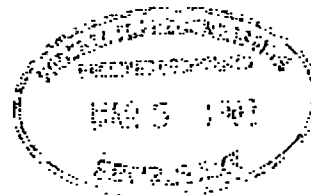
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two months to respond to these discovery requests.

(4) This is a complex case challenging a consummated merger where the Complaint alleges six different product markets, each of which have different customers, competitors, and witnesses. Discovery cannot be completed within the time permitted by the First Revised Scheduling Order. In the interest of having all of the relevant evidence before it, this Court has previously ordered that the parties should be given an opportunity to complete the

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UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



In the Matter of _____
MSC.SOFTWARE CORPORATION,
a corporation. _____

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) Docket No. 9299
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ORDER ON RESPONDENT MSC.SOFTWARE CORPORATION'S
MOTION TO EXTEND TRIAL DATE

I.

On February 11, 2002, Respondent MSC Software Corporation filed a motion to extend the trial date.

to extend the trial date. Complaint Counsel filed an opposition on February 21, 2002. Oral arguments of the parties were heard on February 25, 2002. For the reasons set forth below, MSC's motion is GRANTED IN PART AND DENIED IN PART.

expiration, may be continued for additional consecutive periods of up to sixty days, provided that each additional period is based upon a finding by the Administrative Law Judge that extraordinary circumstances are still present. *Id.*

the case is too complicated to be tried in one year and that extending the trial schedule in successive two-month extensions is not sufficient to cure the defect, because MSC would be

within one year of the filing of the complaint. An extension of up to sixty days may be granted

upon a finding of extraordinary circumstances. "Such extension, upon its expiration, may be continued for additional consecutive periods of not more than 60 days each."

See also *In re Maremont Corp.*, 77 FTC 1654, 1970 FTC LEXIS 260, *13 (Oct. 22, 1977) (denying motion for leave to file interlocutory appeal from order scheduling hearings).

Accordingly, MSC's request for full Commission review of the issue of whether Rule 3.51 is unconstitutional as applied to the facts of this case is DENIED.

VI.

For the above stated reasons, MSC's motion to extend the trial date is GRANTED IN PART and DENIED IN PART. A Revised Scheduling Order is issued herewith.

D. Michael Chappell
Administrative Law Judge

Date: March 5, 2002

1998 FTC LEXIS 146, *

LEXSEE 1998 FTC LEXIS 146

In the Matter of INTEL CORPORATION a corporation

DOCKET NO. 0288

Federal Trade Commission

1998 FTC LEXIS 146

REVISED SCHEDULING ORDER

October 5, 1998

ALJ: [*1]

REVISED SCHEDULING ORDER

WHEREAS Respondent Intel Corporation ("Intel") and Complaint Counsel have served various third parties with document subpoenas but have not yet been able to negotiate completely the responses to such subpoenas; and

WHEREAS a number of discovery requests are still being negotiated with third parties and others are being presented to the Court for resolution of outstanding disputes;

WHEREAS resolution of all disputes concerning third-party document subpoenas is required for the parties to conduct meaningful third-party and expert depositions;

WHEREAS the volume of relevant evidence that must be adduced from third parties is unusually great in this case;

1998 FTC LEXIS 146, *

EVENT	DATE
Last day for taking Rule 33(c) depositions of	November 12, 1998

Exchange of preliminary rebuttal witness list (excluding experts) with description of proposed testimony	November 13, 1998
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Last day to identify expert(s) and exchange of vita, lists of publications and list of matters in which any expert has testified under oath	November 20, 1998
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Last day to file motions to compel regarding party interrogatories (except for those related to requests for admission)	November 24, 1998
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Last day to file responses to motions to compel regarding party interrogatories (except for those related to requests for admission)	December 1, 1998
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Parties exchange Expert Reports and produce or identify documents and other written materials relied upon by the experts in his or her analysis or conclusions	December 7, 1998
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Parties exchange Rebuttal Expert Reports and produce or identify documents and other written materials relied upon by the experts in his or her analysis or conclusions	December 24, 1998
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Last day to file requests for admission	
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Last day to file motions to compel interrogatories related to requests for admission	January 11, 1999
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Exchange proposed stipulations of law and fact, stipulations of authenticity	January 20, 1999
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Last day to file responses to motions to compel interrogatories related to requests for admission	
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Last day for filing motions for summary decision	January 22, 1999
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Close of discovery, including experts	January 29, 1999
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EVENT	DATE
File final stipulations of law and fact, final stipulations of authenticity (additional stipulations may be filed as agreed between the parties or as ordered by	February 15, 1999

File responses to motions in limine	February 18, 1999
Final prehearing conference	February 19, 1999
Hearing begins [*3]	February 23, 1999

ADDITIONAL PROVISIONS

1. No more than two depositions per side shall be conducted on any day, unless otherwise agreed by the parties or ordered by the Administrative Law Judge.

2. Compliance with the scheduled end of discovery requires that the parties serve subpoenas and discovery requests sufficiently in advance of January 29, 1999 that all responses and objections will be due on or before that date, unless otherwise noted. If less, a subpoena or discovery request specifically identifies each document it seeks (e.g. Widet

(d) where necessary for purposes of impeachment.

5. At the time an expert is first listed as a witness by a party, the party will provide to the other party:

(a) materials fully describing or identifying the background and qualifications of the expert, and all prior cases in which the expert has testified or been deposed; and

(b) transcripts of such testimony in the possession, custody or control of the listing party or the expert.

6. The parties shall provide for each expert witness an Expert Report containing the information required by Rule

Event	Date
Close of discovery, including experts	February 12, 1999
Exchange final exhibit and witness lists	
File responses to motions for summary decision	February 19, 1999
Exchange responses to proposed	

Meet and confer to resolve issues regarding proposed stipulations of law and fact, stipulations of authenticity	February 23, 1999
File motions in limine	February 25, 1999
File final stipulations of law and fact, final stipulations of authenticity (additional stipulations may be filed as agreed between the parties or as ordered by the Administrative Law Judge)	March 1, 1999
File responses to motions in limine	March 4, 1999