

D.C., and with only one month remaining before the start of trial, is far too late in the proceedings and far too close to trial to be anything other than an attempt to materially inconvenience Complaint Counsel's trial preparations. Complaint Counsel contends that the incremental convenience to some witnesses cannot overcome the extreme prejudice to Complaint Counsel that relocation of the trial would cause, and does not overcome the impracticability of making relocation arrangements just a few weeks before the start of


trial. Complaint Counsel also argues that because all the documentary and testimonial

have been brought.”¹ Thus, the federal statute controlling change of venue and cases interpreting motions to transfer a case from one district court to another are not applicable.

Under the Commission’s Rules, the Administrative Law Judge “may order hearings at more than one place” and thus has discretion to hold hearings in a location other than Washington, D.C. Indeed, in *In re North Texas Specialty Physicians*, a change of location was permitted where, unlike the instant case, all counsel were in a location other than Washington, D.C.,² all fact witnesses were located in or near Fort Worth, Texas, and all parties agreed that it was more practicable to hold the hearing in Fort Worth, Texas. In addition, unlike Respondent herein, the request was made at the initial scheduling conference, well in advance of trial. Finally, the Administrative Law Judge’s

obligations in other cases then pending in Part III adjudication permitted such a change in hearing location. Therefore, the hearing, with the exception of closing arguments, was held in Fort Worth, Texas. *In re North Texas Specialty Physicians*, Docket No. 9312, available at <http://ftc.gov/os/adjpro/d9312/031016aljschedulingorder.pdf> (Administrative Law Judge D. Michael Chappell presiding).


The Commission Rule requires that the hearing shall be held at one place, insofar as practicable. An overriding consideration in exercising the discretion granted to the Administrative Law Judge under the Commission Rule is whether setting the hearing



hold the hearings in Raleigh, North Carolina is not practicable and not in the interest of administrative efficiency.

For the above stated reasons, Respondent's motion is DENIED.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: January 25, 2011