

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



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In the Matter of )	
GRACO INC., )	
a corporation, and )	DOCKET NO. 9350
ILLINOIS TOOL WORKS INC., )	
a corporation, and )	
ITW FINISHING LLC, )	
a limited liability company, )	
Respondents. )	

SCHEDULE ORDER

- January 26, 2012 - Complaint Counsel provides preliminary witness list (not including experts) with a brief summary of the proposed testimony.
- February 9, 2012 - Deadline for issuing document requests, requests for admission, interrogatories and subpoenas duces tecum, except for discovery for purposes of authenticity and admissibility of exhibits.
- February 9, 2012 - Respondents' Counsel provides preliminary witness lists (not including experts) with a brief summary of the proposed testimony.
- February 14, 2012 - Complaint Counsel provides expert witness list.
- February 21, 2012 - Respondents' Counsel provides expert witness list.
- March 16, 2012 - Close of discovery, other than discovery permitted under Rule 3.24(a)(4), depositions of experts, and discovery for purposes of authenticity and admissibility of exhibits.
- March 23, 2012 - Deadline for Complaint Counsel to provide expert witness reports.
- April 3, 2012 - Complaint Counsel provides to Respondents' Counsel its final proposed witness and exhibit lists, including depositions or designated portions thereof, copies of all exhibits (except for

April 6, 2012 -

April 10, 2012 -

April 10, 2012 -

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- April 20, 2012 - Deadline for depositions of experts (including rebuttal experts) and exchange of expert related exhibits.
- April 20, 2012 - Exchange deposition transcript counter-designations.
- April 24, 2012 - Deadline for filing responses to motions for in camera treatment of proposed trial exhibits.
- April 25, 2012 - Deadline for filing motions in limine to preclude admission of Exhibits 9; filing response
- April 30, 2012 -
- April 30, 2012 -
- May 1, 2012 -
- May 2, 2012 -
- May 4, 2012 -
- May 8, 2012 -
- May 9, 2012 -
- May 10, 2012 -

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Exhibit will be signed by each party with no signature for the judge required.

May 15, 2012

- Commencement of Hearing, to begin at 10:00 a.m. in FTC Courtroom, Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

#### ADDITIONAL PROVISIONS

1. For all papers that are required to be filed with the Office of the Secretary, the parties shall serve a courtesy copy on the Administrative Law Judge by electronic mail to the following email address: [oyalj@ftc.gov](mailto:oyalj@ftc.gov). The courtesy copy should be transmitted at or shortly after the time of any electronic filing with the Office of the Secretary. The [oyalj@ftc.gov](mailto:oyalj@ftc.gov) email account is to be used only for courtesy copies of pleadings filed with the Office of the Secretary and for documents specifically requested of the parties by the Office of Administrative Law Judges. The subject line §4 IN O E Q §

5. Rule 3.22(c) states:

All written motions shall state the particular order, ruling, or action desired and the grounds therefor. Memoranda in support of, or in opposition to, any dispositive motion shall not exceed 10,000 words. Memoranda in support of, or in opposition to, any other motion shall not exceed 2,500 words. Any reply in support of a dispositive motion shall not exceed 5,000 words and any reply in support of any other motion authorized by the Administrative Law Judge or the Commission shall not exceed 1,250 words.

If a party chooses to submit a motion without a separate memorandum, the word count limits of 3.22(c) apply to the motion. If a party chooses to submit a motion with a separate memorandum, absent prior approval of the ALJ, the motion shall be limited to 750 words, and the word count limits of 3.22(c) apply to the memorandum in support of the motion. This provision applies to all motions filed with the Administrative Law Judge, including those filed under Rule 3.38. t

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only

responses and/or objections to the discovery

discovery within the dates of the scheduling order. The final proposed witness list may not include additional witnesses not listed in the preliminary witness lists previously exchanged unless by consent

(e) A party may not discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of this litigation or preparation for hearing and who is not designated by a party as a testifying witness.

(f) At the time of service of the expert reports, a party shall provide opposing counsel (i) a list of all commercially-available computer programs used by the expert in the preparation of the report; (ii) a copy of all data sets used by the expert, in native file format and processed data file format; and (iii) all customized computer programs used by the expert in the preparation of the report or necessary to replicate the findings on which the expert report is based.

19. Properly admitted deposition testimony and properly admitted investigational hearing transcripts are part of the record and need not be read in open court. Videotape deposition excerpts that are part of a deposition / transcript / Qd

  
Michael Chappe