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II. Mandatory rules for post-trial briefs

The following requirements apply to post-trial briefs, proposed findings of fact,

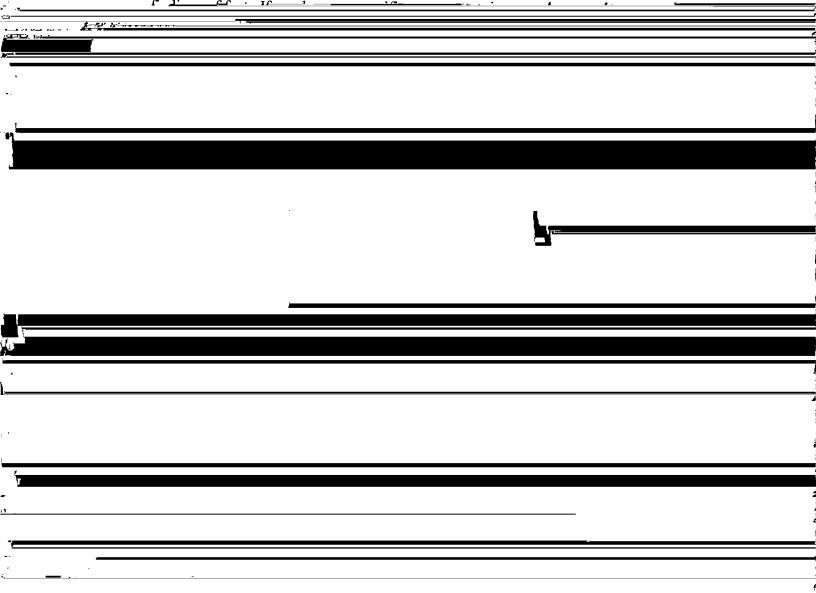
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	followed:			

- 16 C.F.R. § 3.46 sets forth express requirements for proposed findings of fact and conclusions of law. In accordance with Rule 3.46(a), Complaint Counsel shall provide a proposed order for relief, together with supporting facts and law, and Respondent shall specifically reply thereto.
- 16 C.F.R. § 3.45(e) sets forth express requirements for filing briefs that include information that has been granted *in camera* treatment. Parties shall clearly indicate material that has been granted *in camera* treatment by use of braces and bold font in the *in camera* versions of their briefs and proposed findings. In addition, parties shall indicate that the exhibit or transcript page is *in camera*. An example follows:

Company A and Company B each submitted budget pricing on the Texas project. Company A's price was {\$200,000} while Company B's price was {\$300,000}. (PX 1000 at ABC 200321, in camera).

Do not cite to demonstrative exhibits as substantive evidence. Do not cite to expert testimony in support of propositions that should be established by fact witnesses or documents. Do not cite to an offer of proof or testimony or documents that were elicited on an offer of proof. Violations of the requirements of this Order should be pointed out by opposing counsel in the reply brief or reply to proposed findings of fact. When citing to trial testimony, the parties shall identify that testimony by the witness' name, the letters "Tr." and the transcript page number. Do not provide line numbers or the word "at" before the transcript page number. Do not use first initials unless there is more than one witness with the same last name. The citation following the statement of fact shall be in parentheses. An example of the format that shall be used is:

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. Reply findings of fact shall be numbered to correspond to the findings that the reply findings are refuting and shall use the same outline headings as used by the opposing party in its opening 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.

An example of the format for reply findings that shall be followed is:

39. Jarrett Inc. was a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, publicly traded on the American Stock Exchange, with its principal place of business at 1740 Lake Needwood Drive, Suite 300, Arlington, VA, 22201. (CX 328 at 001253; CX 021 at 1003; Hanson, Tr. 6732).

Response to Finding No. 39:

Respondents have no specific response.