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evidentiary hearing, motions to strike, and motions for summary decision” pursuant to Rule 3.22(a).

October 4, 2013 - Deadline for Complaint Counsel to provide expert witness reports

October 7, 2013 - 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 demonstrative, illustrative or summary exhibits and expert related

Respondents will have the right to seek appropriate relief (such as

leave to submit surrebuttal expert reports on behalf of

Respondents).

October 31, 2013 - Deadline for filing motions for *in camera* treatment of proposed trial exhibits.

November 6, 2013 - Deadline for depositions of experts (including rebuttal experts) and exchange of expert-related exhibits.





8. If the expert reports prepared for either party contain confidential information that has been granted *in camera* treatment, the party shall prepare two versions of its expert report(s) in accordance with Provision 6 of this Scheduling Order and 16 C.F.R. § 3.45(e).

9. Motions *in limine* are discouraged. Motion *in limine* refers “to any motion, whether

scheduled. The parties need not separately notice the deposition of a third party noticed by an opposing party. At the request of any party, the time and allocation for a third party deposition shall be divided evenly between them, but the noticing party may use any additional time not

used by the opposing party. If no party makes such a request, cross-examination of the witness will be limited to one hour.

14. Non-parties shall provide copies or make available for inspection and copying of documents requested by subpoena to the party issuing the subpoena. The party that has requested documents from non-parties shall provide copies of the documents received from non-parties to the opposing party within three business days of receiving the documents. No deposition of a non-party shall be scheduled between the time a non-party provides documents in response to a subpoena *duces tecum* to a party, and 3 days after the party provides those documents to the other party, unless a shorter time is required by unforeseen logistical issues in scheduling the deposition, or a non-party produces those documents at the time of the deposition as agreed to by all parties involved.

15. The final witness lists shall represent counsels' good faith designation of all potential witnesses who counsel reasonably expect may be called in their case-in-chief. Parties shall notify the opposing party promptly of changes in witness lists to facilitate completion of 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 of all parties, or, if the parties do not consent, by an order of the Administrative Law Judge upon a showing of good cause.

16. The final exhibit lists shall represent counsels' good faith designation of all trial exhibits other than demonstrative, illustrative, or summary exhibits. Additional exhibits

(ii) transcripts of such testimony in the possession, custody, or control of the producing party or the expert. Notwithstanding the foregoing, transcripts subject to protective orders preventing their disclosure in this action need not be produced if the governing protective orders are produced to the other parties, unless, upon motion of any party and for good cause shown, the court that issued the protective order orders their production.

(b) At the time an expert report is produced, the producing party shall provide to the other party all documents and other written materials relied upon by the expert in formulating an opinion in this case. Unless otherwise agreed by the parties, the experts' notes and drafts of expert reports need not be produced. Likewise, communications between experts and with counsel or consultants need not be produced unless relied upon by the expert in formulating an opinion in this case.



