

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

PUBLIC
03 17 2020
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In the Matter of)
)
)
Axon Enterprise, Inc.)
a corporation,) Docket No. 9389
)
and)
)
Safariland, LLC,)
a partnership,)
)
Respondents.)
)

ORIGINAL

FIRST REVISED SCHEDULING ORDER

In accordance with the Order of the Administrative Law Judge issued on March
Z K L F K J U D Q W H G W K H S D U W L H V ¶ - R L Q W H O R W L R Q I R
dates in the January 30, 2020 Scheduling Order are hereby revised as follows:

- May 8, 2020 - 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.
- Deadline for issuing requests for admissions, except for requests for admissions for purposes of authenticity and admissibility of exhibits.
- May 15, 2020 -

Complaint Counsel also provides its proposed final witness list, which shall include (a) an indication whether each witness is designated as a fact or expert witness; (b) a summary of the general topics of each witness's anticipated testimony; and (c) goodfaith indication of whether the party offering the witness intends to seek leave to present more than 20 witnesses, and shall not include any more than four witnesses who did not also appear on the supplemental witness lists provided by Complaint Counsel in the accordance with the timeframes set forth above. No witness may be added to the final witness list who did not appear on the supplemental witness list unless such witnesses have been deposed in their personal capacity in this litigation.

Complaint Counsel provides courtesy copy to ALJ of final proposed witness lists, its basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including its expert witnesses.

May 22, 2020

- 5 H V S R Q G H Q W V ¶ & R X Q V H O S U R Y L G H V W R ¶ final proposed exhibit list, including depositions, copies of all exhibits (except for demonstrative, illustrative or summary exhibits and expert related exhibits), and 5 H V S R Q G H Q W V ¶ E D V L V R I D G P L V V L E L O L W exhibit.

5 H V S R Q G H Q W V ¶ & R X Q V H O S U R Y L G H V W R S U R Y L G H V W R S U H V H Q W W K H Z L W Q H V V ¶ W H V W L P R Q \ E \ Y L G H R G H S R V L W L R Q ¶ 5 H V S R Q G H Q W V ¶ & R X Q V H O S U R Y L G H V W R S U H V H Q W W K H Z L W Q H V V ¶ W H V W L P R Q \ E \ Y L G H R G H S R V L W L R Q ¶

supplemental witness list unless such witnesses have been
deposed in their personal capacity in this litigation.

5 H V S R Q G H Q W Wiles & Ruxey, LLP to ALJ of
5 H V S R Q G H Q W Wiles & Ruxey, LLP witness and exhibit lists, its
basis of admissibility for each proposed exhibit, and a brief
summary of the testimony of each witness, including its
expert witnesses.

May 22, 2020

- Parties that intend to offer confidential materials of an
opposing party or non

- June 11, 2020 - Deadline for filing motions to preclude admission of evidence. Additional Provision 4 of January 30, 2020 Scheduling Order
- June 15, 2020 - Deadline for depositions of experts (including rebuttal experts) and exchange of expert-related exhibits.
- June 15, 2020 - Exchange proposed stipulations of law, facts, and authenticity.
- June 16, 2020 - Exchange and provide courtesy copy to ALJ of objections to final proposed witness lists and exhibit lists. The Parties are directed to file objections to the proposed admissibility of evidence before filing objections to exhibits.
- June 16, 2020 - Complaint Counsel files pretrial brief supported by legal authority.
- June 17, 2020 - Deadline for filing responses to motions to preclude admission of evidence.
- June 18, 2020 - Complaint Counsel files pretrial brief supported by legal authority.
- June 19, 2020 - Final prehearing conference to begin at 1:00 p.m. in FTC Courtroom, Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

The parties shall meet and confer prior to the prehearing conference regarding trial logistics and proposed stipulations of law, facts, and authenticity of exhibits.

To the extent the parties have agreed to stipulate to any issues of law, facts, and/or authenticity of exhibits, the parties shall prepare a list of such stipulations and submit a copy of the stipulations to the ALJ one business day prior to the conference. At the conference, the parties shall offer the stipulations into evidence as a joint exhibit. No signature by the ALJ is required. Any subsequent stipulations may be offered as agreed by the parties.

Counsel may present any objections to the final proposed witness lists and exhibits. Trial exhibits will be admitted or excluded to the extent practicable. To the extent the parties shall prepare a list identifying each exhibit to which each party, which list shall be offered into evidence as a joint exhibit. No signature by the ALJ is required.

June 23, 2020 - Commencement of Hearing, to begin at 10:00 am. in FTC Courtroom, Room 532 Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

Except as revised herein, all provisions of the January 30, 2020 Scheduling Order remain in effect.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: March 17, 2020

Notice of Electronic Service

I hereby certify that on March 17, 2020, I filed an electronic copy of the foregoing First Revised Scheduling Order, Order Granting Joint Motion for Revised Scheduling Order, with:

D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., NW
Suite 110
Washington, DC, 20580

Donald Clark
600 Pennsylvania Ave., NW
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I hereby certify that on March 17, 2020, I served via E-Service an electronic copy of the foregoing First Revised Scheduling Order, Order Granting Joint Motion for Revised Scheduling Order, upon:

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