

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

04 13 2018

590411

In the Matter of

Otto Bock HealthCare North
America, Inc.,
a corporation,

Respondent.

ORIGINAL

Docket No. 9378

JOINT MOTION TO MODIFY THE FIRST REVISED SCHEDULING ORDER

As Complaint Counsel and Respondent Counsel discussed with the Court on April 12, 2018, Complaint Counsel and Respondent respectfully move to amend the First Revised Scheduling Order to change the following dates:

Deadline for Complaint Counsel to provide expert witness reports from April 16, 2018 to April 23, 2018;

Deadline for Complaint Counsel to provide its final proposed witness and exhibit lists from April 20, 2018 to April 27, 2018;

Deadline for Respondent to provide expert witness reports from May 1, 2018 to May 8, 2018;

Deadline for Respondent to provide its final proposed witness and exhibit lists from May 1, 2018 to May 8, 2018;

Deadline to provide notice of intention to offer confidential materials of parties and non-parties from May 1, 2018 to May 8, 2018;

Deadline for Complaint Counsel to identify rebuttal experts and to provide rebuttal expert reports from May 10, 2018 to May 17, 2018; and

Deadline for depositions of experts from May 18, 2018 to May 25, 2018.

A proposed Second Revised Scheduling Order containing these changes is attached to this Joint Motion.

Dated: April 13, 2018

Respectfully Submitted,

/s/ Daniel Zach

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UNITED STATES OF AMERICA

April 6, 2018 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.

April 23, 2018 Deadline for Complaint Counsel to provide expert witness reports.

April 27, 2018 Complaint Counsel provides to Respondent's Counsel its final proposed witness and exhibit lists, including depositions, copies of all exhibits (except for demonstrative, illustrative or summary exhibits and expert related exhibits), Complaint Counsel's basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness.

Complaint Counsel serves courtesy copies on ALJ of its final proposed 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 8, 2018 Deadline for Respondent's Counsel to provide expert witness reports (to be provided by 4 p.m. ET). Respondent's expert report shall include (without limitation) rebuttal, if any, to Complaint Counsel's expert witness report(s).

May 8, 2018 Respondent's Counsel provides to Complaint Counsel its final proposed witness and exhibit lists, including depositions, copies of all exhibits (except for demonstrative, illustrative or summary exhibits and expert related exhibits), Respondent's basis of admissibility for each proposed exhibit.

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May 8, 2018

May 17, 2018

Complaint Counsel to identify rebuttal expert(s) and provide rebuttal expert report(s). Any such reports are to be limited to

May 14, 2018

May 14, 2018

May 25, 2018

May 21, 2018

May 22, 2018

May 23, 2018

May 23, 2018

May 24, 2018

May 28, 2018

May 30, 2018

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

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2018, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

Donald S. Clark
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The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
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Washington, DC 20580

By: /s/ Daniel Zach

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CERTIFICATE FOR ELECTRONIC FILING

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

April 13, 2018

By: /s/ Daniel Zach