

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

<b>FEDERAL TRADE COMMISSION,</b>	)	<b>CASE NO. 1:15 cv 1080</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE DAN AARON POLSTER</b>
	)	
<b>vs.</b>	)	<b><u>SCHEDULING ORDER</u></b>
	)	
<b>STERIS CORPORATION, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

At the conclusion of this week’s hearing, the Court set the following parameters, and directed the following schedule, for filing post-hearing briefs.

The Court will apply the likelihood-of-success factor in the trial on the merits standard employed in Clayton Act cases when dealing with motions for temporary restraining orders or preliminary injunctions. Since the FTC has endorsed the “actual potential entrant” theory in filing this Complaint, the Court will accept it for purposes of its decision. To that end, the Court directed counsel to address the following question: But for the merger, is it probable that Synergy would have entered the U.S. market by building one or more x-ray sterilization facilities in the U.S. in a reasonable period of time? Counsel are to file simultaneous briefs, no more than 15 pages in length, **no later than 3 p.m. on Friday, August 28, 2015**; and to file simultaneous response briefs, no more than 10 pages in length, **no later than 3 p.m. on Friday, September 4, 2015**. This supercedes the prior scheduling order.

**IT IS SO ORDERED.**

/s/ Dan A. Polster August 20, 2015  
**Dan Aaron Polster**  
**United States District Judge**