

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

04 20 2018  
590479

In the Matter of

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

Respondent.

Docket No. 9378

ORIGINAL

**JOINT MOTION TO MODIFY THE SECOND REVISED SCHEDULING ORDER**

Complaint Counsel and Respondent Counsel are filing contemporaneously with this motion a joint motion to the Commission requesting that it move the June 1, 2018 trial date for this matter to July 10, 2018. Since the Commission is unlikely to rule on this joint motion prior to the April 23, 2018 deadline for Complaint Counsel to provide expert witness reports, Complaint Counsel and Respondent Counsel respectfully move to amend the Second Revised Scheduling Order to change the following dates:

- Deadline for Complaint Counsel to provide expert witness reports from April 23, 2018 to April 27, 2018;
- Deadline for Respondent to provide expert witness reports from May 8, 2018 to May 11, 2018;
- Deadline for Complaint Counsel to identify rebuttal experts and to provide

•

Dated: April 20, 2018

Respectfully Submitted,

/s/ Daniel Zach

---

Daniel Zach  
Stephen Mohr  
Steven Lavender  
Lisa DeMarchi Sleigh  
Catherine Sanchez  
Amy Posner  
Lynda Lao  
Jordan Andrew  
Jonathan Ripa  
Stephen Rodger  
Dylan Brown  
Sarah Wohl  
Meghan Iorianni  
Joseph Neely  
Yan Gao  
William Cooke  
Betty McNeil

Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Ave., NW  
Washington, DC 20580  
Telephone: (202) 326-2118  
Facsimile: (202) 326-3496  
Email: [dzach@ftc.gov](mailto:dzach@ftc.gov)  
*Counsel Supporting the Complaint*

/s/ Wayne A. Mack

---

Wayne A. Mack  
Edward G. Biester III  
Sean P. McConnell  
Kelly Eckel  
Erica Fruiterman  
Sarah Kulik  
William Shotzbarger

Duane Morris LLP  
30 S. 17<sup>th</sup> St.

Philadelphia, PA 19203  
WAMack@duanemorris.com  
EGBiester@duanemorris.com  
SPMcConnell@duanemorris.com  
KDEckel@duanemorris.com  
efruiterman@duanemorris.com  
skulik@duanemorris.com  
*Counsel for Respondent Otto Bock  
HealthCare North America, Inc.*

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

---

In the Matter of	)	
	)	
Otto Bock HealthCare North America, Inc.,	)	Docket No. 9378
	)	
a corporation,	)	
	)	
	)	
Respondent.	)	

---

**[PROPOSED] THIRD REVISED SCHEDULING ORDER**

In accordance with the joint motion filed by Complaint Counsel and Respondent on April 20, 2018, the remaining dates in the April 16<sup>th</sup> Second Revised Scheduling Order are hereby revised as follows:

April 27, 2018	Deadline for Complaint Counsel
----------------	--------------------------------

May 1, 2018

Parties that intend to offer confidential materials of an opposing party or non-party as evidence at the hearing must provide notice to the opposing party or non-party, pursuant to 16 C.F.R. § 3.45(b).<sup>1</sup> *See* Additional Provision 7.

May 8, 2018

Respondent's Counsel provides to Complaint Counsel its final proposed witness list, including a brief summary of the testimony of each witness. Respondent shall also provide, for its final

---

May 21, 2018 Exchange and serve courtesy copy on ALJ objections to final proposed witness lists and exhibit lists. The Parties are directed to review the Commission's Rules on admissibility of evidence before filing objections to exhibits.

May 22, 2018 Complaint Counsel files pretrial brief supported by legal authority.

May 23, 2018 Deadline for filing responses to motions *in limine* to preclude admission of evidence.

May 23, 2018 Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.

May 24, 2018 Exchange proposed stipulations of law, facts, and authenticity.

May 28, 2018 Deadline for depositions of experts (including rebuttal experts) and exchange of expert related exhibits.

May 28, 2018 Respondent's Counsel files pretrial brief supported by legal authority.

May 30, 2018 Final prehearing conference on May 31, 2018 at 10:00 AM in DC 5323 g0 Tc 1.899 0 T08ng



---

---

---