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**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

1410004

06 07 2017

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COMMISSIONERS: Maureen K. Ohlhausen, Acting Chairman
Terrell McSweeney

In the Matter of

**Impax Laboratories, Inc.,
a corporation.**

Docket No. 9373

JOINT MOTION FOR A LATER EVIDENTIARY HEARING DATE

Dated: June 7, 2017

Pursuant to Commission Rule of Practice 3.21(c)(1), Complaint Counsel and Respondent Impax Laboratories, Inc. jointly move the Commission for an order setting a later hearing date of October 24, 2017 to accommodate a brief five-week extension of the discovery schedule. There is good cause for such an order: a brief extension of the discovery schedule will permit an orderly and efficient completion of fact discovery that will minimize any potential burden on witnesses and third parties.

1. The hearing in this matter is currently set for September 19, 2017. Fact discovery is ongoing and scheduled to conclude on July 7, 2017. Depositions have begun, and at least 15 more are scheduled between now and the end of fact discovery. Two mo

multiple days in advance of each deposition as presently scheduled. Nor is Impax willing to ask its employees and former employees to sit for multiple depositions

4. Both parties wish to minimize the disruption to the schedule and burden on witnesses that might result from being re-called for a second deposition to testify about certain documents. But Complaint Counsel is not willing to forgo its argument that it is entitled to receive relevant documents a reasonable amount of time in advance of a deposition, something that Impax is not in a position to do under the current schedule. Impax has agreed, however, that it can complete its production of documents by July 7, 2017 – the current fact discovery deadline. A modest extension of the trial date would allow the parties to seek a modification of the discovery schedule to allow the parties to re-schedule the remaining depositions on or after July 7, 2017, at which time Complaint Counsel will have had sufficient time to review relevant witness documents in preparation for depositions.

5. Impax and Complaint Counsel respectively request that the Commission set October 24, 2017 for the evidentiary hearing.

6. If the Commission grants this Joint Motion for a Later Evidentiary Hearing, the parties intend to jointly request that Judge Chappell modify the remaining discovery and pre-trial deadlines to conform with the new hearing date.

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.

June 7, 2017

By: /s/ Nicholas A. Leefer
Attorney

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COMMISSIONERS: **Maureen K. Ohlhausen, Acting Chairman**
 Terrell McSweeney

ORDERED:

By the Commission.

Donald S. Clark
Secretary

SEAL

ISSUED:

Notice of Electronic Service

I hereby certify that on June 07, 2017, I filed an electronic copy of the foregoing Joint Motion for a Later Evidentiary Hearing Date, with:

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

Donald Clark
600 Pennsylvania Ave., NW
Suite 172
Washington, DC, 20580

I hereby certify that on June 07, 2017, I served via E-Service an electronic copy of the foregoing Joint Motion for a Later Evidentiary Hearing Date, upon:

Bradley Alb Ju a15 Molas LeefLater

Complaint

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I hereby certify that on June 07, 2017, I served via other means, as provided in 4.4(b) of the foregoing Joint Motion for a Later Evidentiary Hearing Date, upon:

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