

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

| | | |
|---------------------|---|-----------------|
| In the Matter of |) | |
| |) | |
| Altria Group, Inc., |) | |
| a corporation, |) | Docket No. 9393 |
| |) | |
| and |) | |
| |) | |
| JUUL Labs, Inc. |) | |
| a corporation, |) | |
| |) | |
| Respondents. |) | |

SECOND REVISED SCHEDULING ORDER

On February 22, 2021, the Commission issued an order directing that the evidentiary hearing commence on June 2, 2021, and that a revised prehearing scheduling order be issued. Upon consideration of the parties' Joint Motion for Second Revised Scheduling Order, the parties' requests are adopted, except as modified herein. The dates remaining in the January 13, 2021 First Revised Scheduling Order are hereby revised as follows:

March 8, 2021 - Complaint Counsel provides its final proposed witness list, which shall include: (1) an indication whether each witness is designated as fact or expert witness; and (2) a summary of the general topics of each witness' anticipated testimony.¹ Complaint Counsel's proposed final witness list shall not include more than 25 fact witnesses, and shall not include more than three witnesses who did not appear on the supplemental witness lists provided by Complaint Counsel. 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.

¹ At the time the original scheduling order was issued on August 4, 2020, it was unclear whether the evidentiary hearing would take place live or by video. Pursuant to the Commission's February 22, 2021 Order, the evidentiary hearing will take place by video. Therefore, the clause in the August 4, 2020 Scheduling Order that directed counsel to provide a good faith indication whether they intend to seek leave to present witness testimony by video deposition is deleted. The parties are directed to the new Additional Provision allowing them to submit trial depositions in lieu of live video testimony at trial.

expert related exhibits), and Complaint Counsel's basis of admissibility for each proposed exhibit.

Complaint Counsel provides courtesy copies to ALJ of its final proposed exhibit list and its basis of admissibility for each proposed exhibit.

April 22, 2021

- Respondents' Counsel provides to Complaint Counsel their final proposed exhibit lists, including depositions, copies of all exhibits (except for demonstrative, illustrative or summary exhibits and expert related exhibits), and Respondents' basis of admissibility for each proposed exhibit.

