

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



In the Matter of

1-800 Contacts, Inc.,
a corporation

Docket No. 9372

JOINT MOTION REGARDING THE HEARING SCHEDULE

Complaint Counsel and counsel for Respondent 1-800 Contacts, Inc. submit this joint motion requesting an Order setting out a proposed schedule for the Hearing in this case. The Rule 3.11(b)(4) Notice accompanying the Complaint in this matter fixed April 11, 2017, as the commencement date for the Hearing. Thus, the first two weeks of the Hearing encompass Passover (sundown April 10 to sundown April 18), Good Friday (April 14), and Easter (April 16). For the convenience of out-of-town witnesses, including non-parties, as well as counsel, the parties respectfully request that the Court Order the following Hearing schedule:

1. The Hearing will commence on April 11, 2017, and continue on April 12 and 13. April 14, 2017, will be a recess day.
2. Monday, April 17, 2017, will be a recess day. The Hearing will proceed Tuesday, April 18, 2017, through Friday, April 21, 2017.
3. Barring unforeseen circumstances, for each week following April 21, the Hearing will proceed Mondays through Thursdays. Each Friday will be a recess day, with the exception of Friday, April 21, 2017.

The Parties submit that this schedule will allow the Hearing to proceed expediently while best accommodating travel arrangements and religious obligations, and that it would be

beneficial for the Court to establish a Hearing schedule well in advance of the final pretrial conference to provide certainty to witnesses and facilitate the parties' trial planning.

DATED: March 7, 2017

Respectfully submitted,

/s/ Steven M. Perry

Gregory P. Stone (gregory.stone@mto.com)
Steven M. Perry (steven.perry@mto.com)
Garth T. Vincent (garth.vincent@mto.com)
Stuart N. Senator (stuart.senator@mto.com)
Gregory M. Sergi (gregory.sergi@mto.com)
Julian M. Beach (julian.beach@mto.com)
MUNGER, TOLLES & OLSON LLP
355 South Grand Avenue, 35th Floor
Los Angeles, California 90071-1560
Telephone: (213) 683-9100
Facsimile: (213) 687-3702

Justin P. Raphael (justin.rafael@mto.com)
MUNGER, TOLLES & OLSON LLP
560 Mission Street, 27th Floor
San Francisco, California 90015
Telephone: (415) 512-4000

Counsel for 1-800 Contacts, Inc.

Dated: March 7, 2017

/s/ Daniel J. Matheson

Daniel J. Matheson, *dmatheson@ftc.gov*
Geoffrey Green, *ggreen@ftc.gov*
Barbara Blank, *bblank@ftc.gov*
Charles A. Loughlin, *cloughlin@ftc.gov*
Kathleen Clair, *kclair@ftc.gov*
Thomas H. Brock, *tbrock@ftc.gov*
Gustav P. Chiarello, *gchiarello@ftc.gov*
Joshua B. Gray, *jbgray@ftc.gov*
Nathaniel M. Hopkin, *nhopkin@ftc.gov*
Mika Ikeda, *mikeda@ftc.gov*
Charlotte Slaiman, *cslaiman@ftc.gov*

Federal Trade Commission
Bureau of Competition
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580
Telephone: (202) 326-2075
Facsimile: (202) 326-3496

Counsel Supporting the Complaint

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

In the Matter of

**1-800 Contacts, Inc.,
a corporation**

Docket No. 9372

[PROPOSED] ORDER SETTING HEARING SCHEDULE

On March 7, 2017, the parties filed a *Joint Motion Regarding the Hearing Schedule*. Upon consideration of this motion, it is hereby GRANTED.

The Hearing will commence on April 11, 2017, and continue on April 12 and 13. April 14, 2017, will be a recess day. Monday, April 17, 2017, will be a recess day. The Hearing will proceed on Tuesday, April 18, 2017, through Friday, April 21, 2017. The remainder of the Hearing will proceed on Mondays through Thursdays. Each Friday will be a recess day, with the exception of Friday, April 21, 2017.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Dated:

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2017, I filed the foregoing documents electronically using the FTC's E-Filing System, which will send notification of such filing to:

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580

I also certify that I delivered via electronic mail a copy of the foregoing documents to:

Gregory P. Stone
Steven M. Perry
Garth T. Vincent
Stuart N. Senator
Gregory M. Sergi
Munger, Tolles & Olson LLP
350 South Grand Avenue
50th Floor
Los Angeles, CA 90071
gregory.stone@mto.com
steven.perry@mto.com
garth.vincent@mto.com
stuart.senator@mto.com
gregory.sergi@mto.com

Justin P. Raphael
Munger, Tolles & Olson LLP
560 Mission Street, 27th Floor
San Francisco, CA 94105
justin.rafael@mto.com

Sean Gates
Charis Lex P.C.
16 N. Marengo Ave.
Suite 300
Pasadena, CA 91101
sgates@charislex.com

Counsel for Respondent 1-800 Contacts, Inc.

Dated: March 7, 2017

By: /s/ Daniel J. Matheson
Attorney

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.

March 7, 2017

By: /s/ Daniel J. Matheson
Attorney