

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

**COMMISSIONERS:**            **Lina M. Khan, Chair**  
                                      **Rebecca Kelly Slaughter**  
                                      **Alvaro M. Bedoya**  
                                      **Melissa Holyoak**  
                                      **Andrew Ferguson**

**In the Matter of**

**Tempur Sealy International, Inc.,  
a corporation,**

**and**

**Mattress Firm Group Inc.,  
a corporation.**

**Docket No. 9433**

**COMPLAINT COUNSEL’S RESPONSE TO RESPONDENTS’  
MOTION TO CONTINUE EVIDENTIARY HEARING**

Complaint Counsel does not oppose Respondents’ request to continue the evidentiary hearing (“hearing”) and agrees that the hearing should start no sooner than February 9, 2025. Complaint Counsel, however, respectfully requests the Commission require Complaint Counsel, Tempur Sealy International, Inc. and Mattress Firm Group Inc. (collectively, “Parties”) to submit a joint status report on January 13, 2025 updating the Commission on the status of the preliminary injunction proceeding and its impact on whether (and when) an administrative hearing may be necessary.

As Respondents note in their Motion to Continue Evidentiary Hearing (“Motion”), the federal court preliminary injunction “almost always obviates the need for further administrative proceedings.” Motion, at 4. Currently, the Parties do not know when (or how) the federal court proceedings will be resolved. By January 13, however, the Parties will be better situated to

provide a meaningful update to the Commission regarding the status of a decision in the federal proceeding and whether an administrative hearing is necessary at all. Accordingly, Complaint Counsel respectfully requests this Commission adjourn the Part 3 administrative hearing and order the Parties to submit a joint status report on January 13, 2025 regarding whether an administrative proceeding will be necessary and, if it is, propose a date for the administrative proceeding no earlier than February 9, 2025.

Dated: October 15, 2024

Respectfully submitted,

By: s/ Noel Miller  
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*Counsel Supporting the Complaint*

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**[PROPOSED] ORDER**

Having considered Respondents' motion to continue the evidentiary hearing and finding good cause for a continuance, it is hereby ORDERED that the evidentiary hearing is adjourned and shall be commenced on a date no sooner than February 9, 2025. It is also hereby ORDERED that the Parties shall submit a joint status report on January 13, 2025 updating the Commission on the status of the federal court proceeding and proposing a date upon which the administrative hearing shall commence.

By the Commission

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
April J. Tabor  
Secretary

## CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2024, I caused the foregoing document to be filed electronically using the FTC's E-Filing System, which will send notification of such filing to:

April Tabor  
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Federal Trade Commission  
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Washington, DC 20580

I further certify that I caused the foregoing document to be served via email to:

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Group Inc.*

By: s/ Noel Miller  
Noel Miller

*Counsel Supporting the Complaint*