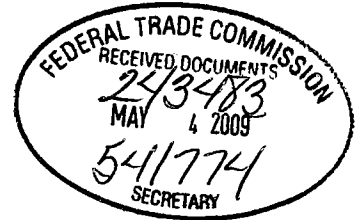


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



_____))
In the Matter of))
))
GEMTRONICS, INC.,))
a corporation, and)) DOCKET NO. 9330
))
WILLIAM H. ISELY,))
Respondents.))
_____))

**ORDER ON JOINT MOTION
TO AMEND THE SCHEDULING ORDER**

I.

On April 30, 2009, the parties filed an Expedited Joint Motion For Revised Scheduling Order (“Motion”). For the reasons set forth below, the Motion is GRANTED in part.

II.

The Scheduling Order dated February 17, 2009 set May 5, 2009 as the hearing date in this matter. In support of their Motion, the parties state:

- Pursuant to the Court’s suggestion, on March 19, 2009, and continuing thereafter, the parties engaged in serious and protracted settlement discussions. Per the Court’s direction, the events and deadlines set forth in the Scheduling Order were suspended to allow the parties the unfettered ability to pursue settlement.
- On April 28, 2009, Respondents notified Complaint Counsel and the Court that a settlement of this matter had not been obtained, nor was it foreseeable that settlement would be attainable with continued efforts.
- Because of the suspension of the Scheduling Order for settlement discussions, the parties have not completed pretrial motions or other pre-trial tasks in accordance with the current Scheduling Order deadlines.

The parties request to extend each of the remaining deadlines and to schedule the hearing date to June 8, 2009.

III.

The Scheduling Order may be modified upon a showing of good cause. FTC Rule 3.21. Good cause exists when a deadline in a scheduling order “cannot be met despite the diligence of the party seeking the extension.” *In re Chicago Bridge & Iron Co.*, 2002 FTC LEXIS 69, *2 (2002). The parties have demonstrated good cause for an extension of the deadlines set forth in the Scheduling Order. However, due to other pending matters, the request to commence trial on June 8, 2009 is not possible.

Each party shall file a response to the other party’s Motion for Summary Decision on May 27, 2009. The remaining dates in the Scheduling Order are hereby extended as set forth below. All additional provisions in the October 28, 2008 Scheduling Order remain in effect.

- May 6, 2009 - Respondents’ Counsel provides to Complaint Counsel its final proposed witness and exhibit lists, including designated testimony to be presented by deposition and copies of all exhibits (except for demonstrative, illustrative or summary exhibits), and a brief summary of the testimony of each witness.

Respondents’ Counsel serves courtesy copies on ALJ its final proposed witness and exhibit lists and a brief summary of the testimony of each witness.
- May 6, 2009 - 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).
- May 13, 2009 - Deadline for filing motions *in limine* and motions to strike.
- May 13, 2009 - Deadline for filing motions for *in camera* treatment of proposed trial exhibits.
- May 20, 2009 - Deadline for filing responses to motions *in limine* and motions to strike.
- May 20, 2009 - Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.
- May 27, 2009 - Each party shall file a response to the other party’s Motion for Summary Decision.
- June 3, 2009 - Complaint Counsel files pretrial brief, to include proposed findings of fact and conclusions of law. To the extent possible, findings of

fact shall be supported by document citations and/or deposition citations. Conclusions of law shall be supported by legal authority.

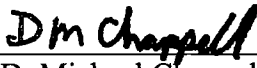
- June 3, 2009 - Exchange and serve courtesy copy on ALJ objections to final proposed witness lists and exhibit lists. Exchange objections to the designated testimony to be presented by deposition and counter designations.
- June 10, 2009 - Exchange proposed stipulations of law, facts, and authenticity.
- June 10, 2009 - Respondents' Counsel files pretrial brief, to include proposed findings of fact and conclusions of law. To the extent possible, findings of fact shall be supported by document citations and/or deposition citations. Conclusions of law shall be supported by legal authority.
- June 17, 2009 - The parties shall confer to develop stipulations on issues that are not disputed and file final stipulations of law, facts, and authenticity. Any subsequent stipulations may be offered as agreed by the parties.
- June 24, 2009 - Final prehearing conference to begin at 10:00 a.m. in room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

The parties are to meet and confer prior to the conference regarding trial logistics and proposed stipulations of law, facts, and authenticity and any designated deposition testimony. To the extent the parties stipulate to certain issues, the parties shall prepare a Joint Exhibit which lists the agreed-to stipulations. Counsel may present any objections to the final proposed witness lists and exhibits, including the designated testimony to be presented by deposition. Trial exhibits will be admitted or excluded to the extent practicable. To the extent the parties agree to the admission of each other's exhibits, the parties shall prepare a Joint Exhibit which lists the exhibits to which neither side objects. Any Joint Exhibit will be signed by each party with no signature for the judge required.

- June 24, 2009 - Commencement of hearing to begin immediately after the final prehearing conference in room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580. (The date of the commencement of the hearing and other deadlines

above are contingent upon scheduling constraints in other dockets. Should dates change, the parties will be notified as soon as practicable.)

ORDERED:



D. Michael Chappell
Administrative Law Judge

Date: May 4, 2009