**UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF CALIFORNIA**
**SAN FRANCISCO DIVISION**

**FEDERAL TRADE COMMISSION**,

,

v.

**INTERCONTINENTAL EXCHANGE, INC.**

and

**BLACK KNIGHT, INC.,**

s.

3:23-cv-01710-AMO

**SCHEDULING ORDER**

A case management conference was held on May 12, 2023. Having considered the parties' proposals, the Court **SETS** the following deadlines with respect to the FTC's claim for a preliminary injunction under Section 13(b) of the Federal Trade Commission Act and any defenses to that claim pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 16-10:

| Event | Deadline |
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| Close of fact discovery, other than depositions of experts, and discovery for purposes of authenticity of exhibits; provided that this deadline will not preclude the parties from completing discovery of third-parties pursuant to timely served subpoenas whose document productions have not been completed by May 23, 2023 and/or who did not make themselves reasonably available for deposition pursuant to a timely subpoena within the fact discovery period. | May 23, 2023 [agreed] |
| Deadline for parties to provide opening expert witness reports and all materials required by Additional Provision 21 of Chief Administrative Law Judge Chappell's March 29 Scheduling Order in Dkt. No. 9413. | May 30, 2023 [agreed] |
| Deadline for Plaintiff to file its memorandum in support of its request for a preliminary injunction, which shall not exceed 30 pages. | June 2, 2023 |
| Deadline for Defendants to file memorandum(s) in opposition to the Plaintiff's request for a preliminary injunction. Defendants' memorandum(s) shall cumulatively not exceed 30 pages. | June 16, 2023 |
| Deadline for parties to identify rebuttal expert(s) and provide rebuttal expert report(s) and all materials required by Additional Provision 21 of Chief Administrative Law Judge Chappell's March 29 Scheduling Order in Dkt. No. 9413. Any such reports are to be limited to rebuttal of matters set forth in the parties' opening expert reports. If material outside the scope of fair rebuttal is | June 23, 2023 [agreed] |

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| presented, parties will have the right to seek appropriate relief (such as striking rebuttal expert reports or seeking leave to submit surrebuttal expert reports). | |
| Deadline for Plaintiff to file its reply memorandum in support of its request for a preliminary injunction. The FTC's reply memorandum shall not exceed 15 pages. | June 23, 2023 |
| Parties that intend to offer as evidence materials designated as confidential by an opposing party or non-party shall provide notice to the opposing party or non-party by this date. | June 26, 2023 |
| Deadline for depositions of experts (including rebuttal experts) and exchange of expert related exhibits. | June 29, 2023 [agreed] |
| Deadline to file motions for in camera treatment of proposed hearing exhibits. | June 30, 2023 |
| Deadline to file motions *in limine*. Any briefs in support of, or opposition to, motions *in limine*, including Daubert motions, shall not exceed 10 pages. | June 30, 2023 |
| Deadline to file proposed pre-hearing findings of fact and conclusions of law. Each side's proposed pre-hearing findings of fact and conclusions of law shall not exceed 50 pages. | June 30, 2023 |
| Deadline to submit direct evidence through declarations, deposition designations, and exhibits. | June 30, 2023 |
| Deadline to file responses to motions for in camera treatment of proposed hearing exhibits. | July 6, 2023 |
| Deadline to file opposition to motions *in limine*. | July 6, 2023 |
| Pre-hearing conference. | July 20, 2023 at 11 am |

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| Evidentiary hearing on Plaintiff's Motion begins. The parties will cross-exam witnesses, as well as redirect them. The parties are limited to 8 hours per side. | July 25, 2023 at 9 am |
| Deadline to submit post-hearing proposed findings of fact and conclusions of law. Each side's post-hearing proposed findings of fact and conclusions of law shall not exceed 75 pages. | July 31, 2023 |

Any party may seek modification of this Order for good cause, except that the parties may also modify discovery and expert disclosure deadlines by agreement.

**IT IS SO ORDERED.**

Dated: May 16, 2023

**ARACELI MARTÍNEZ-OLGUÍN**
**UNITED STATES DISTRICT JUDGE**
**NORTHERN DISTRICT OF CALIFORNIA**