

Interlocutory Orders, Etc.

IN THE MATTER OF

DOLLAR TREE, INC.
AND
FAMILY DOLLAR, INC.

Docket No. C-4530. Order, April 27, 2017

Letter approving application of Sycamore Partners II, L.P.'s sale and assignment by Dollar Express of stores and leases to Dollar General Corporation.

LETTER ORDER APPROVING DIVESTITURE OF CERTAIN ASSETS

Ian G. John
P.C. Kirkland & Ellis LLP

Re: In the Matter of Dollar Tree, Inc. and Family Dollar, Inc.
Docket No. C-4530

Dear Mr. John:

This letter responds to the Application for Approval of Proposed Sale of Dollar Express Assets ("Application") filed by Sycamore Partners II, L.P. on March 30, 2017. The Application requests that the Federal Trade Commission approve, pursuant to the Order in this matter, Sycamore's proposed sale and assignment by Dollar Express of stores and leases to Dollar General Corporation. The Application was placed on the public record for comments until April 20, 2017, and nine comments were received.

After consideration of the proposed sale as set forth in Sycamore's Application and supplemental documents, as well as other available information, the Commission has determined to approve the proposed sale. In according its approval, the Commission has relied upon the information submitted and representations made in connection with Sycamore's Application and has assumed them to be accurate and complete.

By direction of the Commission.

Interlocutory Orders, Etc.

IN THE MATTER OF

IMPAX LABORATORIES, INC.

Docket No. 9373. Order, June 15, 2017

Order granting the joint request to reschedule the evidentiary hearing in this proceeding.

ORDER RESCHEDULING EVIDENTIARY HEARING DATE

On January 19, 2017, the Federal Trade Commission issued the Administrative Complaint in this adjudicative proceeding and scheduled the evidentiary hearing for September 19, 2017. On June 7, 2017, Impax and Complaint Counsel filed a Joint Motion that requests the Commission set a later hearing date to accommodate a brief, five-week extension of the discovery schedule. The parties agree that such additional time is necessary for “orderly and efficient completion of fact discovery that will minimize any potential burden on witnesses and third parties.”¹

In the past few weeks, a significant discovery dispute has arisen between the parties over the timeliness of document production ahead of witness depositions. Complaint Counsel argues that it is entitled to receive the witnesses’ documents at least four days prior to a deposition. Impax argues that it is unable to meet that demand due to the extensive and time-consuming nature of its document gathering, review, and production efforts, as well as logistical issues with its vendor. As both parties wish to minimize the disruption to the schedule and burden on witnesses that might result from being re-called for a second deposition, and Impax agrees that it can complete its production of documents by the current fact discovery deadline, Impax and Complaint Counsel respectively request that the Commission set October 24, 2017, for the evidentiary hearing.

A modest movement in the hearing date to complete fact discovery in an expeditious and efficient way is in the public

¹ Impax and Complaint Counsel’s Joint Motion For A Later Evidentiary Hearing Date at 1, In the Matter of Impax Laboratories, Inc., F.T.C. Docket No. 9373 (Jun. 7, 2017), available at <https://www.ftc.gov/system/files/documents/cases/d09373jtmtnlaterhearingdate.pdf>.