

Interlocutory Orders, Etc.

IN THE MATTER OF

AXON ENTERPRISE, INC.,
AND
SAFARILAND, LLC

Docket No. 9389. Order, March 13, 2020

Opinion and Order granting the Joint Expedited Motion to Reschedule the Administrative Hearing.

ORDER GRANTING JOINT EXPEDITED MOTION TO RESCHEDULE THE ADMINISTRATIVE HEARING

On January 3, 2020, the Commission filed an administrative complaint against Respondents Axon Enterprise, Inc. and Safariland, LLC challenging Axon's acquisition of VieVu, LLC from Safariland. The Complaint was accompanied by a Notice specifying that the evidentiary hearing in this proceeding would begin on May 19, 2020. Respondents and Complaint Counsel have now filed a Joint Expedited Motion to Reschedule the Administrative Hearing. That motion requests that the hearing commence on June 23, 2020.

Commission Rule of Practice 3.41(b) provides that the Commission may order a later date for the commencement of an evidentiary hearing "upon a showing of good cause." 16 C.F.R. § 3.41(b). The Joint Motion explains that current public health risks are interfering with plans for depositions scheduled to begin on March 17. It states that approximately 50 depositions have been or are being scheduled, involving witnesses located throughout the country and will involve extensive air travel. According to the Joint Motion, issues regarding the availability of witnesses and counsel for the parties and for third parties are making the current deposition schedule infeasible, and extending the hearing date is necessary for the parties to reschedule depositions for dates that are more practicable.

Under the circumstances presented, we find that there is good cause for the requested continuance. Public health concerns have complicated scheduling and travel, and deferring commencement of the evidentiary hearing will facilitate the necessary adjustments. Accordingly,

IT IS HEREBY ORDERED that the Joint Expedited Motion to Reschedule the Administrative Hearing is **GRANTED**. The evidentiary hearing shall begin on June 23, 2020, at 10:00 a.m. The Administrative Law Judge retains discretion to adjust any pre-hearing deadlines to the extent compatible with the hearing date as extended by this Order.

By the Commission.

Interlocutory Orders, Etc.

IN THE MATTER OF

RAGINGWIRE DATA CENTERS, INC.

Docket No. 9386. Order, March 19, 2020

Order staying the administrative proceeding and rescheduling the evidentiary hearing date.

ORDER REGARDING SCHEDULING IN LIGHT OF PUBLIC HEALTH EMERGENCY

Because of the declared public health emergency¹ associated with the outbreak of the coronavirus disease 2019 (“COVID-19”), also known as SARS-CoV-2; and because it has been advised that gatherings of ten or more persons may facilitate the spread of the disease, the Commission has determined that it is in the public interest to mitigate the transmission and impact of COVID-19, and that good cause exists to stay this proceeding and reschedule the evidentiary hearing date. Accordingly,

IT IS HEREBY ORDERED that this proceeding be fully stayed for 30 calendar days; and

IT IS FURTHER ORDERED that the evidentiary hearing date and all pre-hearing deadlines in this proceeding be extended by the number of calendar days of this stay. The Administrative Law Judge retains discretion to adjust any such pre-hearing deadlines to the extent compatible with the hearing date as extended by this Order or to make a recommendation to the Commission regarding an alternative hearing date.

By the Commission.

¹ Pursuant to the Public Health Services Act, 42 U.S.C. 247d, on January 31, 2020, the Secretary of the Department of Health and Human Services issued a declaration that a health emergency exists because of COVID-19; and on March 13, 2020, the President of the United States issued a proclamation that a national emergency exists concerning COVID-19. Remarks by President Trump, *available at* <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-conference-3/> (Mar. 13, 2020).