

Interlocutory Orders, Etc.

IN THE MATTER OF

**HEALTH RESEARCH LABORATORIES, LLC,
WHOLE BODY SUPPLEMENTS, LLC,
AND
KRAMER DUHON***Docket No. 9397. Order, June 15, 2021*

Order denying Respondents' motion to strike Complaint Counsel's statements of the material facts and granting Complaint Counsel's motion to extend their time to reply to the Response to Statement of Additional Material Facts.

**ORDER DENYING MOTION TO STRIKE COMPLAINT COUNSEL'S STATEMENT OF ADDITIONAL
MATERIAL FACTS AND EXTENDING TIME FOR COMPLAINT COUNSEL'S REPLY**

On May 14, 2021, the Commission issued an order directing the parties in this proceeding to file statements of the material facts that they intend to assert, other than facts expressly alleged in the Complaint. Order for Further Proceedings before the Commission (May 14, 2021). Complaint Counsel filed their statement on May 25, 2021, and Respondents have moved to strike that filing as untimely.¹ Complaint Counsel have filed a motion to extend their time to reply to the Response to Statement of Additional Material Facts until June 21, 2021.²

Complaint Counsel argue that their statement of facts was timely filed under the provisions of Commission Rule 4.3, 16 C.F.R. § 4.3, relating to timing. CC Motion at 3. Respondents have now stated that they do not oppose denial of their motion to strike.³ We agree that, pursuant to Commission Rule 4.3(a), 16 C.F.R. § 4.3(a), Complaint Counsel's Statement of Additional Material Facts was timely filed on May 25, 2021, and deny the motion to strike.

Complaint Counsel state that an extension of time is needed to reply to new legal arguments raised by the Response to Statement of Additional Material Facts and to develop a proposal for structuring the remainder of this proceeding. CC Motion at 2. Respondents do not oppose extending time for the Reply until June 21. Response to Motion to Extend at 1. Although all parties will have an opportunity to brief issues relevant to liability, remedy, and defenses at a later date, we will not constrain Complaint Counsel from appropriately replying to issues raised in Respondents' filing and will extend the deadline until June 21. Accordingly,

1 Respondents' Response to Complaint Counsel's Statement of Additional Material Facts at 5 (June 1, 2021) ("Response to Statement of Additional Material Facts").

2 Motion to Extend Date for Complaint Counsel's Reply to Respondents' Response to Complaint Counsel's Statement of Additional Material Facts and Opposition to Respondents' Motion to Strike (June 7, 2021) ("CC Motion").

3 Respondents' Response to Motion to Extend Date for Complaint Counsel's Reply to Respondents' Response to Complaint Counsel's Statement of Additional Material Facts and Opposition to Respondents' Motion to Strike at 1 (June 7, 2021) ("Response to Motion to Extend").

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IT IS HEREBY ORDERED that Respondents' June 1, 2021 motion to strike Complaint Counsel's Statement of Additional Material Facts, is **DENIED**; and

IT IS FURTHER ORDERED that Complaint Counsel's Motion to Extend Date for Complaint Counsel's Reply is **GRANTED**, and the deadline for Complaint Counsel's Reply is extended to June 21, 2021.

By the Commission.

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IN THE MATTER OF

**ALTRIA GROUP, INC.,
AND
JUUL LABS, INC.***Docket No. 9393. Order, June 17, 2021*

Order continuing the evidentiary hearing to accommodate the June 18th federal holiday.

ORDER CONTINUING EVIDENTIARY HEARING

The next session of the evidentiary hearing in this proceeding is scheduled for June 18, 2021. Pursuant to legislation enacted today, June 17, June 18 will be observed as a federal holiday. That observance presents logistical difficulties for going forward with an evidentiary hearing session on June 18. Consequently, the evidentiary hearing must be stayed until Monday, June 21. Accordingly,

IT HEREBY ORDERED that the evidentiary hearing in this proceeding is stayed until June 21, 2021, and will resume at 9:45 a.m. on that date.

By the Commission.