

Interlocutory Orders, Etc.

IN THE MATTER OF

ILLUMINA, INC.

AND

GRAIL, INC.

Docket No. 9401. Order, August 12, 2021

Order moving evidentiary hearing to video conferencing and public live web streaming to mitigate COVID-19 spread.

ORDER REGARDING PUBLIC ACCESS TO AND MEANS OF CONDUCTING THE EVIDENTIARY HEARING
IN LIGHT OF THE 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 people in close proximity 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 issue an order addressing public access to the evidentiary hearing in this proceeding pursuant to Commission Rule 3.41(a), 16 C.F.R. § 3.41(a) and providing that that hearing be conducted electronically. Accordingly,

IT IS HEREBY ORDERED THAT

- (1) the evidentiary hearing in this proceeding will take place virtually via video conferencing; and
- (2) public access to the evidentiary hearing in this proceeding, to the extent permitted by any *in camera* orders, shall be allowed only via telephone or live web streaming, in either instance, only for monitoring purposes.

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 public health emergency exists because of COVID-19; and on March 13, 2020, former President Trump issued a proclamation that a national emergency exists concerning COVID-19. Remarks by President Trump, *available at* <https://www.whitehouse.gov/briefingsstatements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-conference-3/> (Mar. 13, 2020). A continuation of this public health emergency was issued by President Joseph R. Biden on February 24, 2021. Notice on the Continuation of the National Emergency Concerning the Coronavirus Disease 2019 (COVID-19) Pandemic, *available at* <https://www.whitehouse.gov/briefing-room/presidentialactions/2021/02/24/notice-on-the-continuation-of-the-national-emergency-concerning-the-coronavirus-disease-2019-covid-19-pandemic/> (Feb. 24, 2021).

Interlocutory Orders, Etc.

IN THE MATTER OF
TRAFFIC JAM EVENTS, LLC.
AND
DAVID J. JEANSONNE II

Docket No. 9395. Order, August 24, 2021

Order directing Respondents to provide expedited response to Complaint Counsel's expedited motion to continue evidentiary hearing and prehearing deadlines.

**ORDER DIRECTING RESPONDENTS TO PROVIDE EXPEDITED RESPONSE TO COMPLAINT COUNSEL'S
EXPEDITED MOTION TO CONTINUE EVIDENTIARY HEARING AND PREHEARING DEADLINES**

On August 18, 2021, Complaint Counsel moved for a continuance of the date of the evidentiary hearing from September 14, 2021, to November 16, 2021, and corresponding adjustment of the deadlines for prehearing submissions, because the hearing and prehearing proceedings may be rendered moot by the Commission's resolution of Complaint Counsel's pending Motion for Summary Decision. Complaint Counsel's Expedited Motion to Continue Evidentiary Hearing and Prehearing Deadlines ("Motion for Continuance"). Complaint Counsel requested expedited treatment of the Motion for Continuance because of the approaching hearing date and deadlines for pretrial submissions, beginning on August 30, 2021. Complaint Counsel stated, however, that Respondents' counsel has not assented to continuing the hearing and indicated that Respondents may seek other relief. Under Commission Rules 3.22(d) and 4.3(c), Respondents normally would have ten days to respond to the Motion for Continuance, plus an additional day reflecting electronic service. Rule 3.22(d), however, authorizes the Commission to adjust the response period. To facilitate prompt resolution of the Motion for Continuance in the face of imminent prehearing deadline, we direct Respondents to provide an expedited response to Complaint Counsel's expedited Motion for Continuance. Accordingly,

IT IS HEREBY ORDERED that Respondents Traffic Jam Events, LLC. and David J. Jeansonne II shall submit their response (if any) to Complaint Counsel's Expedited Motion to Continue Evidentiary Hearing and Prehearing Deadlines by no later than 12:00 p.m. (noon), August 25, 2021.

By the Commission.