

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

_____	)	
In the Matter of	)	
	)	
Tempur Sealy International, Inc.,	)	
a corporation, and	)	Docket No. 9433
	)	
Mattress Firm Group Inc.,	)	
a corporation,	)	
	)	
Respondents.	)	
_____	)	

**ORDER DIRECTING SUBMISSION OF (1) ALL PROPOSED EXHIBITS, AND  
(2) SPREADSHEETS IN MICROSOFT EXCEL FORMAT**

The July 19, 2024 Scheduling Order directed, among other things, that:

October 30, 2024 - Complaint Counsel serves final proposed witness and exhibit lists, including depositions, copies of all proposed exhibits (except for demonstrative, illustrative or summary exhibits and expert related exhibits), the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness. Complaint Counsel’s final proposed witness list shall include no more than twenty-five fact witnesses.

Complaint Counsel provides the Administrative Law Judge (ALJ) with courtesy copies of final proposed witness and exhibit lists, the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including expert witnesses.

Complaint Counsel submitted to OALJ its final proposed witness and exhibit lists on schedule. In providing this material, Complaint Counsel stated: “Copies of the exhibits will be sent to Respondents’ Counsel via secure file transfer protocol.”

1. It is hereby **ORDERED** that:
  - a. Complaint Counsel provide OALJ copies of the documents on its final proposed

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exhibit list, either via secure file transfer protocol or other means, by 5 p.m. Eastern on November 4, 2024.

b. Respondents provide copies of the documents on their final proposed exhibit list(s) when their responsive submissions are served on November 6, 2024.

c. Regardless of the means used to provide copies, please also copy Dana Gross at [dgross@ftc.gov](mailto:dgross@ftc.gov).

2. Further, to facilitate review of the information in this material, it is hereby **ORDERED** that:

a. Complaint Counsel submit a version of its proposed final exhibit list as a Microsoft Excel spreadsheet, **properly formatted**, including without limitation the ability to sort and filter **all** data, to OALJ by 5:00 p.m. Eastern on November 4, 2024.

b. Respondents similarly submit to OALJ an Excel version of their final proposed exhibit list(s) (as well as versions in .pdf format) on November 6, 2024.

c. Where the parties submit other papers consisting of lists of documents (e.g., objections to proposed exhibits or documents proposed for in camera treatment) in preparation for the evidentiary hearing, they must provide those lists to OALJ in both .pdf format and Excel format.

**ORDERED:**

*Jay L. Himes*  
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Jay L. Himes  
Administrative Law Judge

Date: November 1, 2024