# ORIGINAL

### UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

TRADE COMM ECEIVED DOCUMENTS 231452 MAY 1 0 2007 529931 SECRETARY

In the Matter of

**REALCOMP II LTD.,** 

a corporation.

Docket No. 9320

## SECOND JOINT MOTION FOR AN EXTENSION OF EXPERT DISCOVERY DEADLINES

Pursuant to Section 3.21(c)(2) of the Commission's Rules of Practice and to resolve certain discovery disputes regarding the production of data, Complaint Counsel and Respondent Realcomp II, Ltd. ("Realcomp," and collectively, the "Parties"), move to extend certain deadlines relating to expert discovery as set forth in the Scheduling Order as follows:

- (1) Respondent may file a supplemental expert report by Dr. David Eisenstadt by May 31, 2007.
- (2) The supplemental report is limited to responding to the opinions of Complaint Counsel's expert (Dr. Darrell Williams) based on the analysis of data from 10 MLSs, as set forth in paragraphs 86-90, Appendices C-E, and Exhibit 26 of Dr. Williams's Expert Report (April 3, 2007), and shall be limited to opinions based on the review of the data from the 10 MLSs.
- (3) The supplemental report shall not contain any opinions based on the analysis of MLS data produced by the Ann Arbor Association of Realtors. Complaint Counsel's expert did not use the Ann Arbor MLS data in either of his reports and does not criticize Respondent's expert for not using the data. Complaint Counsel agrees not to raise at trial the fact that Dr. Eisenstadt did not use this data.
- (4) Respondent shall make Respondent's expert available for deposition by June 9, 2007.
- (5) Complaint Counsel may file a supplemental rebuttal report by June 14, 2007.
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The proposed changes will not affect any other deadline in the Scheduling order.

Respectfully submitted,

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Counsel for Respondent Realcomp II. Ltd.

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Dated: May 10, 2007

#### UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

In the Matter of

Docket No. 9320

**REALCOMP II LTD.,** 

a corporation.

#### [PROPOSED] SECOND REVISED SCHEDULING ORDER

On May 10, 2007, the parties filed a Second Joint Motion for the Extension of Expert Discovery Deadlines to resolve certain discovery disputes regarding the production of data. The parties have demonstrated good cause for the extension of the requested deadlines and that this limited extension will not affect any other deadline.

The motion is GRANTED. It is hereby ORDERED that the Scheduling Order be revised as follows:

May 31, 2007	Respondent may file a supplemental expert report by Dr. David Eisenstadt. The supplemental report is limited to responding to the opinions of Complaint Counsel's expert (Dr. Darrell Williams) based on the analysis of data from 10 MLSs, as set forth in paragraphs 86-90, Appendices C-E, and Exhibit 26 of Dr. Williams's Expert Report (April 3, 2007), and shall be limited to opinions based on the review of the data from the 10 MLSs. The supplemental report shall not contain any opinions based on the analysis of MLS data produced by the Ann Arbor Association of Realtors. Complaint Counsel's expert did not use the Ann Arbor MLS data in either of his reports and does not criticize Respondent's expert for not using the data. Complaint Counsel agrees not to raise at trial the fact that Dr. Eisenstadt did not use this data.
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June 9, 2007 Respondent shall make Respondent's expert available for deposition by this date.

June 14, 2007 Complaint Counsel may file a supplemental rebuttal report.

# ORDERED:

Stephen J. McGuire Chief Administrative Law Judge

Dated: \_\_\_\_\_, 2007

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#### **CERTIFICATE OF SERVICE**

This is to certify that on May 10, 2007, I caused a copy of the attached Second Joint Motion for an Extension of Expert Discovery Deadlines and a proposed Second Revised Scheduling Order, to be served upon the following persons:

by hand delivery to:

The Honorable Stephen J. McGuire Chief Administrative Law Judge Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580

and by electronic transmission and overnight courier to:

Scott Mandel, Esq. Foster, Swift, Collins & Smith P.C. 313 South Washington Square Lansing, MI 48933-2193

Stephanie M élev