

ORIGINAL

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION and
THE PEOPLE OF THE STATE OF NEW
YORK, by LETITIA JAMES, Attorney
General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited
liability company;

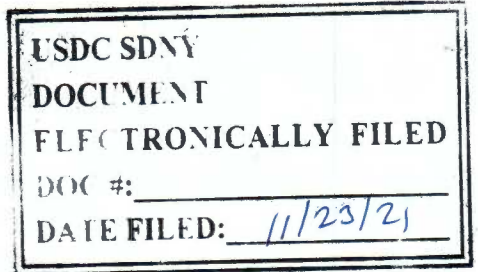
PREVAGEN, INC., a corporation
d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE
MANUFACTURING, LLC, a limited
liability company; and

MARK UNDERWOOD, individually and as
an officer of QUINCY BIOSCIENCE
HOLDING COMPANY, INC., QUINCY
BIOSCIENCE, LLC, and PREVAGEN,
INC.,

Defendants.

Case No. 1:17-cv-00124-LLS



~~PROPOSED~~ **ORDER FOR PRE-TRIAL SUBMISSIONS**

LLS

THE COURT HEREBY ORDERS the Parties to complete their pre-trial negotiations and submissions as follows:

1. On **February 3, 2022**, Plaintiffs shall serve on Defendants a set of proposed findings of ultimate fact, without evidentiary detail, which would be sufficient to sustain a judgment for Plaintiffs if these facts were ultimately found to be true.

2. On **March 3, 2022**, Defendants shall inform Plaintiffs which of Plaintiffs' proposed findings are contested and which are not. Disagreements should be based on substance only, not on the form or wording of any proposed finding. On the same date, Defendants shall serve on

Plaintiffs proposed counter-findings of ultimate fact with respect to the contested finding. With each counter-finding, Defendants shall list the evidentiary source which supports their contentions, such as the page number of a deposition, name of a witness, exhibit or photograph. On the same date, Defendants shall also serve proposed findings on affirmative defenses and other subject matter not covered by Plaintiffs without evidentiary detail. Defendants' concessions, counter-findings, and new proposed findings should be sufficient to sustain judgment for Defendants if found to be true.

3. On **March 24, 2022**, Plaintiffs shall inform Defendants which of Defendants' proposed findings are contested and which are not contested. With respect to those which Plaintiffs contest, Defendants shall list the evidentiary sources which support their contentions by **April 7, 2022**. On **March 24, 2022**, Plaintiffs must also support each of the initially proposed findings which Defendants dispute with an evidentiary source, citing the source which supports each proposed finding immediately after it. On **March 24, 2022**, Plaintiffs shall also add reply counter-findings to Defendants' new contentions with appropriate evidentiary support.

4. On or before **April 21, 2022**, the Parties shall exchange proposed trial exhibit lists.

5. On or before **May 5, 2022**, the Parties shall exchange objections to their proposed trial exhibits lists.

6. On or before **May 12, 2022**, the Parties shall meet and confer regarding their objections to the proposed trial exhibits.

7. On **June 3, 2022**, the Parties shall sign and file a single consolidated Pre-Trial Order. The Pre-Trial Order shall include: (1) a section containing agreed findings of fact; (2) a section containing Plaintiffs' proposed findings of fact with evidentiary sources; (3) a section containing Defendants' proposed findings of fact listed immediately after the proposed finding it

supports with evidentiary sources; (4) a joint list of expert witnesses, identified by name and the party calling said witness; (5) a list of pre-marked joint trial exhibits which the parties agree may be received in evidence; (6) a list of other pre-marked exhibits which the Parties do not agree may be received in evidence, together with the basis for objection and citation to the applicable Federal Rule of Evidence; and (7) a section indicating whether the action is a jury or nonjury matter and estimating the trial time which each Party will require.

8. On or before **June 3, 2022**, any Party who intends to use expert witnesses to support disputed findings shall file a sworn statement, executed by the expert witness, summarizing his or her education and professional background and his or her direct testimony. References to any documents or sources on which the expert will rely must also be included.

9. On **June 3, 2022**, the Parties shall also file: (1) trial briefs on contested issue(s) of law; (2) proposed jury charges; (3) proposed voir dire questions; and (4) a list of individuals, companies, or other witnesses that may appear as witnesses or otherwise be referred to during the trial. Trial briefs should also identify and address any evidentiary issue(s) likely to arise at trial. Briefs should be concise, declaratory statements of the law without unnecessary detail or recitation of facts. Each statement of law must be supported by citation to appropriate authority.

SO ORDERED, this 23rd day of November, 2021,

Louis L. Stanton
LOUIS STANTON
UNITED STATES DISTRICT JUDGE