

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FEDERAL TRADE COMMISSION, STATE OF NEW YORK, STATE OF CALIFORNIA, STATE OF OHIO, COMMONWEALTH OF PENNSYLVANIA, STATE OF ILLINOIS, STATE OF NORTH CAROLINA, and COMMONWEALTH OF VIRGINIA,

Plaintiffs,

-v-

VYERA PHARMACEUTICALS, LLC, AND PHOENIXUS AG, MARTIN SHKRELI, individually, as an owner and former director of Phoenixus AG and a former executive of Vyera Pharmaceuticals, LLC, and KEVIN MULLEADY, individually, as an owner and former director of Phoenixus AG and a former executive of Vyera Pharmaceuticals, LLC,

Defendants.

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20cv00706 (DLC)

ORDER

DENISE COTE, District Judge:

A bench trial is scheduled to commence on **December 14, 2021**. The final pretrial conference is scheduled to occur in person in Courtroom 18B, 500 Pearl Street, on **December 10, 2021** at **9:30 am**. It is hereby

ORDERED that the trial shall proceed in person in Courtroom 18B, 500 Pearl Street, on **December 14** at **9:30 am**.

IT IS FURTHER ORDERED that the following procedures shall govern the conduct of the trial. The parties shall ensure that

all trial participants comply with the Southern District of New York's Sixth Amended Standing Order entitled In re Coronavirus/COVID-19 Pandemic (M-10-468), entered May 4, 2021, and other SDNY COVID-19-related orders that govern entry into and behavior within SDNY courthouses. These materials may be found at: <https://www.nysd.uscourts.gov/covid-19-coronavirus>.

~~IT IS FURTHER ORDERED~~ that all individuals must practice social distancing at all times in the courthouse. Individuals also must wear a mask that covers their nose and mouth in the courthouses. Bandannas, gaiters, and masks with valves are not permitted.

IT IS FURTHER ORDERED that by **December 3 at 5 pm**, the parties must advise the Court of how many spectators will attend the proceeding. The parties must advise the Court by the same date how many individuals will be seated at counsel's tables. Special accommodations may need to be made if more than ten spectators are expected to attend, or more than three individuals are expected to be seated at each counsel's table.

IT IS FURTHER ORDERED that parties are responsible for informing themselves of any modifications to SDNY COVID-19-related rules and procedures and adhering to all current rules and procedures for the duration of the trial.

IT IS FURTHER ORDERED that the parties are responsible for bringing these procedures to the attention of their witnesses and any other persons they expect to attend the trial.

IT IS FURTHER ORDERED that the parties shall attempt to have documents to be used at trial, including trial exhibits, in electronic form. Due to the pandemic, counsel should make every effort to avoid the exchange of documents in paper form during the trial. Therefore, exhibits should be pre-marked and assembled sequentially in a digital folder labelled with the exhibit numbers for ready reference and be ready to be distributed digitally to the Court, counsel, and witnesses during the trial.

IT IS FURTHER ORDERED that, if counsel intends to present digital evidence via the courtroom's audiovisual system during trial, counsel shall call this Court's Chambers to schedule a time to come to the courthouse in advance of trial to prepare for presentation of digital evidence with the assistance of the courthouse's IT Department.

IT IS FURTHER ORDERED that counsel should make certain that they have custody of all original exhibits. The Court does not retain them, and the Clerk is not responsible for them.

IT IS FURTHER ORDERED that the parties should be aware that, unless otherwise appropriate, the Court will assume that

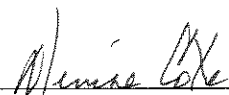
any material portion of a witness's deposition will be used during cross-examination of that witness.

Counsel are advised that this Court's Revised Standing Order M10-468 of February 26, 2014 prohibits all personal electronic devices and general purpose computing devices except by written permission of the presiding judge. Counsel are further advised that such devices may not be connected to the Court's computer network under any circumstances. Accordingly,

IT IS FURTHER ORDERED that by **December 3**, counsel shall fill out the attached form and send it to this Court's Chambers email inbox at Cotenysdchambers@nysd.uscourts.gov to request permission to bring any personal electronic devices or general purpose computing devices into the courthouse.

SO ORDERED:

Dated: New York, New York
September 8, 2021



DENISE COTE
United States District Judge