

SERVED: July 7, 2021

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, DC

In The Matter Of:)	
)	Docket No. FAA-2020-0958
Axalta Coating Systems)	
)	Case No. 2017SO700055
Respondent)	

PROCEDURAL ORDER

On April 8, 2021, the Respondent filed a Motion to Dismiss Complaint for Insufficiency.

The Complainant filed its response to the Respondent's Motion to Dismiss on May 3, 2021.

The Respondent filed a Memorandum in Support of Motion to Dismiss on June 1, 2021.

On June 17, 2021, the undersigned judge assigned himself to this case and issued an Order Denying the Respondent's Motion to Dismiss and Directing the Respondent to File an Answer by July 2, 2021.

On July 1, 2021, the Respondent filed its answer.

Pursuant to 14 C.F.R. § 13.205(a)(1) and (7), **IT IS HEREBY ORDERED:**

1. Parties Informal Planning Conference

To assist the undersigned judge to establish a litigation schedule in this case, the parties shall privately conduct an informal planning conference to discuss and develop a proposed litigation schedule that will then be submitted to the undersigned judge.¹

2. Proposed Litigation Schedule

On or before **August 20, 2021**, the parties shall submit to the undersigned judge a joint report with a proposed litigation schedule which includes the following:

- a. whether the parties waive any objection to holding the hearing virtually through the use of videoconference software due to the COVID-19 pandemic,
- b. a proposed schedule for the exchange and completion of discovery,
- c. a proposed due date for the filing of any prehearing motions (including a proposed date for a telephonic hearing on any filed motions, if so desired), and

¹ The procedural rules at 14 C.F.R. § 13.217 provide an example of the topics the parties should discuss.

- d. proposed hearing dates. The parties should provide at least three alternative dates on which the hearing may be held after April 11, 2022, that are acceptable to all parties and include sufficient time for the hearing to account for any unexpected delays.

3. Prehearing Conference

The parties shall appear by telephone for a prehearing conference with the undersigned judge on **September 9, 2021, at 11am Eastern time**. During this conference, the parties should be prepared to discuss the issues in dispute, the proposed litigation schedule, the status of any settlement negotiations, and any other related matters. The parties shall access the conference by dialing telephone number **888-204-5984** and then inputting access code **6392406**.

4. Settlement Discussions

In accordance with 14 C.F.R. § 13.16, the parties are encouraged to consider the possibility of settlement in this matter. Settled cases will be dismissed and removed from the hearing docket once the proper written pleadings are received by the undersigned judge.²

5. Service of Filings

All future pleadings and other communications regarding this proceeding shall be served on the undersigned judge, the FAA Hearing Docket, and the other persons on the attached Service List. The parties shall submit these documents to the undersigned judge at the Office of Hearings by email, fax, express carrier, or personal delivery on or before the deadline for the submission. Due to the COVID-19 pandemic, the filing and service requirements within 14 C.F.R. Part 13, Subpart G are modified to allow the use of email.

6. Rules of Practice

The parties are reminded of the need to adhere to the Rules of Practice in FAA Civil Penalty Actions, located at 14 C.F.R. Part 13, Subpart G.



DOUGLAS M. RAWALD
Administrative Law Judge

Attachment: Service List

² See 14 C.F.R. § 13.215 (describing the method by which a party may withdraw).

SERVICE LIST – BY E-MAIL³
ORIGINAL & ONE COPY

Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, DC 20591
Attention: Hearing Docket Clerk, AGC-430
Wilbur Wright Building – Suite 2W1000
Email: 9-agc-faa-hearingdocket@faa.gov

ONE COPY

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The Honorable Douglas M. Rawald, *Administrative Law Judge*
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U.S. Department of Transportation
1200 New Jersey Avenue, S.E. (E11-310)
Washington, DC 20590
Phone: 202-366-5121 (Staff Assistant)
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Email: Jacklyn.Booker@dot.gov (Attorney Advisor)

³ This order was served electronically because of the COVID-19 pandemic.