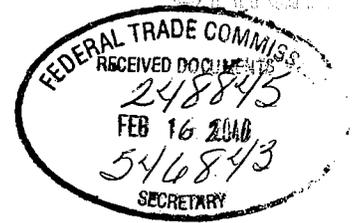


Original

William H. Isely, Respondent
964 Walnut Creek Rd.
Franklin, NC, 28734

b.isely@ftpmailbox.com
Tel/FAX 828-369-7590
Feb. 8 , 2010



Honorable D. Michael Chappell
Chief Administrative Law Judge (Acting)
Federal Trade Commission
H113
600 Pennsylvania Ave, NW
Washington DC, 20580

Re: Gemtronics, Inc and William H. Isely, FTC Docket No 9330

Enclosed is (1) a Proposed ORDER for the Consideration of the ALJ and (2) My

**FURTHER MOTION TO STRIKE & OPPOSE COMPLAINT COUNSEL'S THREE MOTIONS,
FEB 1 THROUGH FEB 3, 2010, NAMELY:**

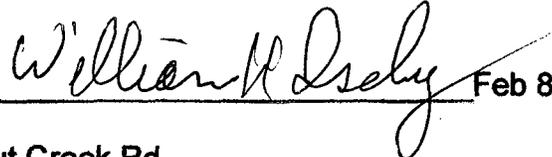
**COMPLAINT COUNSEL'S MOTION FOR LEAVE TO FILE A RESPONSE IN SUPPORT OF
ITS ANSWER IN OPPOSITION TO RESPONDENTS' APPLICATION FOR AN AWARD
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

**COMPLAINT COUNSEL'S RESPONSE OF ITS ANSWER IN OPPOSITION TO
RESPONDENT'S APPLICATION FOR AN AWARD UNDER THE EQUAL ACCESS TO
JUSTICE ACT.**

**COMPLAINT COUNSEL'S MOTION FOR LEAVE TO FILE AN AMENDED ATTACHMENT A
TO ITS RESPONSE IN SUPPORT OF ITS ANSWER IN OPPOSITION TO RESPONDENT'S
APPLICATION FOR AN AWARD UNDER THE EQUAL ACCESS TO JUSTICE ACT,.**

Your consideration will be greatly appreciated.

Respectively Submitted

William H. Isely  Feb 8 , 2010

964 Walnut Creek Rd.
Franklin NC, 28734

828-369-7590 b.isely@ftpmailbox.com

CC: Ms. Barbara E. Bolton
Complaint Counsel

Honorable Donald S. Clark
Secretary FTC

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

**COMMISSIONERS: William E. Kovacic, Chairman
Pamela Jones Harbour
Jon Leibowitz
J. Thomas Rosc**

In the Matter of GEMTRONICS INC a corporation and, WILLIAM H. ISELY	PUBLIC DOCKET 9330
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**FURTHER MOTION TO STRIKE & OPPOSE COMPLAINT COUNSEL'S THREE MOTIONS,
FEB 1 THROUGH FEB 3, 2010, NAMELY:**

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Background

The **Decision** of the ALJ in favor of the Respondent by dismissal became final
on Nov 9th , 2009

The Respondent's Counsel filed an **Application for an Award of Fees and
Other Expenses Pursuant to Commission Rule 3.83, et seq** on 2nd Dec 2009. In the following
week this Application was changed from Public to Non-Public

Respondent notified the Commission Dec, 22nd, 2009 that Matthew Van Horne, was no longer his Attorney of record and that Respondent would represent himself.

Respondent supplied the Commission on December 23rd 2009 the promised **Supplement to Attorney's Fees and Expenses, Attachment C of the Request For Award** originally submitted December 2nd 2009.

Respondent submitted to the Commission on December 23rd 2009 a **Petition for Rulemaking On Maximum Rates for Attorney Fees Under Rule 3.81(g)**

Complaint Counsel submitted her **Answer in Opposition to Respondent's Application for Attorney's Fees and Expenses Under the Equal Access to Justice Act**, served on the Respondent January, 7th, 2010

Respondent submitted a **Motion for the ALJ to Deny the Belated answer of the Complaint Counsel** on January 8th, 2010. This motion was withdrawn when The Commission's Secretary announced changes in scheduling which made the
Complaint Counsel's submission in timely fashion. The Response is then due Jan 22, 2010

Respondent submitted his **Response** to the Complaint Counsel Jan 20, 2010 with hard copy served on Jan 22, 2010. on Complaint Counsel.

The ALJ scheduled a telephone conference for Feb. 11.

Feb 1', The Complaint Counsel submitted a motion to ask for leave to submit an amended answer to what she had submitted Jan 6, and simultaneously provided the amended motion & a 44 page attachment, along with a draft order for the signature of the ALJ to accept the motion.

Feb 2, The respondent submitted a motion asking for leave to submit his own motion and indicated disapproval of the whole process of deviating from the established order. Earlier he had asked about this very problem happening and was assured by the FTC Secretary's office that the ordered schedule would be rigidly adhered to.

Feb. 3. The Complaint Counsel called the Respondent for his approval of her supplying a further motion with an amendment. The respondent indicated he objected and that the only amendment she was justified was comments on the additional costs the Respondent had provided on Dec. 23, 2009. The Complaint Counsel said she would relay Respondent's objections but would send in her second amendment anyway. What she relayed did not correctly state the Respondent's position against her amendment motions.

Feb 4 Respondent Submitted MOTION TO OBJECT AND TO OPPOSE COMPLAINT COUNSEL'S THREE MOTIONS, FEB 1 THROUGH FEB 3, 2010, :

COMPLAINT COUNSEL'S MOTION FOR LEAVE TO FILE A RESPONSE IN SUPPORT OF ITS ANSWER IN OPPOSITION TO RESPONDENTS' APPLICATION FOR AN AWARD UNDER THE EQUAL ACCESS TO JUSTICE ACT

COMPLAINT COUNSEL'S RESPONSE OF ITS ANSWER IN OPPOSITION TO RESPONDENT'S APPLICATION FOR AN AWARD UNDER THE EQUAL ACCESS TO JUSTICE ACT.

COMPLAINT COUNSEL'S MOTION FOR LEAVE TO FILE AN AMENDED ATTACHMENT A TO ITS RESPONSE IN SUPPORT OF ITS ANSWER IN OPPOSITION TO RESPONDENT'S APPLICATION FOR AN AWARD UNDER THE EQUAL ACCESS TO JUSTICE ACT,.

Feb. 8 Respondent has found more urgent reasons to strike and oppose Complaint Counsel's Referenced motions of Amendments of February 1 and 3 , 2010.

1. The amendments were submitted **after** the Respondent had submitted his reply, served on the Complaint Counsel Jan 21, in violation of rule 15 of the Federal rules of Civil Procedure. Even if one argues that the Complaint Counsel is the Respondent at this stage, she has

exceeded the 20 day limit to file an amendment, again per rule 15.

2. The Complaint Counsel has violated the sensitive nature of the material in the Respondent's Application. The Respondent's Application, originally submitted as Public, was modified as Confidential and Sensitive, non Public. This change in classification was documented in a letter by the then Respondent's Counsel on Dec. 10 to the Honorable S. Clark and the Complaint Counsel was copied. The change in classification was confirmed in the Attachment of the Honorable Donald S. Clark's email of January 8 which was also copied to the Complaint Counsel. In spite of all this redundant notification, the Complaint counsel has treated this information, which she used in her amendments, as Public and so marked them. At this stage

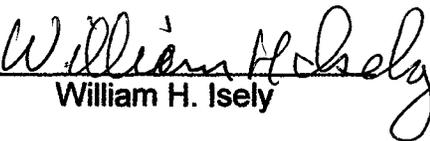
it is hard to know how widely this information was spread and whether it can be retrieved.

Respondent is including an Order with this submission for the ALJ's consideration to deal with this situation.

Respectfully Submitted:

GEMTRONICS, INC &

WILLIAM H. ISELY, Respondents

By 
William H. Isely

964 Walnut Creek Rd.
Franklin, NC, 28734

This 8th day of February, 2010

Respondent Isely certifies that to his best knowledge all the information contained in this document is correct and truthful.

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this

**FURTHER MOTION TO STRIKE & OPPOSE COMPLAINT COUNSEL'S THREE MOTIONS,
FEB 1 THROUGH FEB 3, 2010,**

**COMPLAINT COUNSEL'S MOTION FOR LEAVE TO FILE A RESPONSE IN SUPPORT OF
ITS ANSWER IN OPPOSITION TO RESPONDENTS' APPLICATION FOR AN AWARD
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TO ITS RESPONSE IN SUPPORT OF ITS ANSWER IN OPPOSITION TO RESPONDENT'S
APPLICATION FOR AN AWARD UNDER THE EQUAL ACCESS TO JUSTICE ACT.,.**

In the above entitled action upon all other parties to this cause by depositing a copy hereof in a postpaid wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service, properly addressed to the attorney or attorneys for the parties as listed below.

One (1) e-mail copy and two (2) paper copies served by United States mail to

Honorable D. Michael Chappell
Chief Administrative Law Judge (Acting)
Federal Trade Commission, H113
600 Pennsylvania Ave., NW
Washington, D.C. 20580

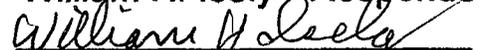
The original and one (1) paper copy via United States mail delivery and one (1) electronic copy via e-mail:

Honorable Donald S. Clark
Secretary
Federal Trade Commission H135
600 Pennsylvania Ave., NW
Washington, D.C. 20580

One (1) electronic copy via e-mail and one (1) paper copy via United States mail delivery to:

Ms. Barbara E. Bolton- FTC, .. Suite 1500
225 Peachtree Street, N.E, Atlanta, GA 30303

William H. Isely - Respondent


This 8th day of Feb. 2010

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

COMMISSIONERS: William E. Kovacic, Chairman
Pamela Jones Harbour
Jon Leibowitz
J. Thomas Rosc

In the Matter of	PUBLIC
GEMTRONICS INC	DOCKET NO. 9330
a corporation and,	
WILLIAM H. ISELY	

ORDER GRANTING RESPONDENTS' FURTHER MOTION TO STRIKE AND OPPOSE THE
COMPLAINT COUNSEL'S THREE MOTIONS OF FEBRUARY 1 THROUGH 3, 2010
NAMELY:

COMPLAINT COUNSEL'S MOTION FOR LEAVE TO FILE A RESPONSE IN SUPPORT OF
ITS ANSWER IN OPPOSITION TO RESPONDENTS' APPLICATION FOR AN AWARD
UNDER THE EQUAL ACCESS TO JUSTICE ACT

COMPLAINT COUNSEL'S RESPONSE OF ITS ANSWER IN OPPOSITION TO
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AND FOR COMPLAINT COUNSEL TO PROPERLY SAFEGUARD AND RETRIEVE THE
RESPONDENTS' NON PUBLIC INFORMATION THAT WAS COMPROMISED WHEN IT WAS
USED IN ATTACHMENT A IN HER PUBLIC MOTIONS.

The Respondent's Further Motion to Strike and Oppose the Complaint
Counsel's Three Motions of Feb 1 - 3, 2010 and for Complaint Counsel to
Safeguard and Retrieve Compromised Information is hereby GRANTED.

SO ORDERED this _____ day of _____, 2010

D. Michael Chappell -- Chief Administrative Law Judge

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this

PROPOSED ORDER FOR THE CONSIDERATION OF THE ALJ

In the above entitled action upon all other parties to this cause by depositing a copy hereof in a postpaid wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service, properly addressed to the attorney or attorneys for the parties as listed below.

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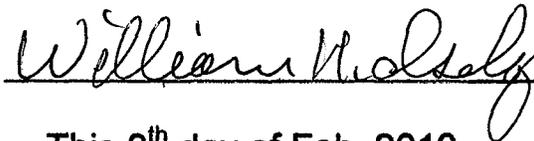
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Honorable Donald S. Clark
Secretary
Federal Trade Commission H135
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Washington, D.C. 20580

One (1) electronic copy via e-mail and one (1) paper copy via United States mail delivery to:

Ms. Barbara E. Bolton- , ..
Federal Trade Commission
Suite 1500
225 Peachtree Street, N.E.,
Atlanta, GA 30303

William H. Isely, Respondent



This 8th day of Feb. 2010