

ORIGINAL



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

PUBLIC

In the Matter of)	
)	
ALEXANDER HECKMAN,)	
individually and doing business)	DOCKET NO. 9332
as Omega Supply, and)	
)	
ERICK DEL RIO,)	
Respondents.)	
)	
)	

**RESPONSE TO SECOND STATUS REPORT AND
MOTION TO DISMISS WITHOUT PREJUDICE**

Complaint counsel hereby responds to the Administrative Law Judge’s February 13, 2009 “Order Requiring Second Status Report,” and hereby moves to dismiss the complaint in this matter, without prejudice, on the ground that efforts to serve the Complaint on Respondents have been unsuccessful. Despite its best efforts, the Commission has not been able to locate Alexander Heckman and Erick del Rio (collectively, “Respondents”), and is not likely to in the foreseeable future.

In support of its Motion, Complaint counsel states that there has been no communication between the parties since the issuance of the Complaint. As previously set forth in the November 6, 2008 Status Report, packages sent to the Respondents via United States Postal Service Express Mail delivery service at their known addresses were returned to the Federal Trade Commission, each similarly marked “moved, left no address.”

In an effort to locate and serve the Complaint on Respondent Heckman, Complaint

counsel engaged a private process server, First Legal Support Services of San Diego. Numerous attempts to locate the Respondent only led to the identification of two individuals at separate addresses who claimed to be Respondent Heckman's mother and father, but neither claimed knowledge of his whereabouts. Furthermore, an employee of a Mexican-based supplier to Omega Supply informed Complaint counsel that he believes Respondent del Rio is currently living in Mexico, but he does not know of his location.

Accordingly, Complaint Counsel requests that the Complaint be dismissed, without prejudice. A proposed Order is attached hereto.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'V. DeFrancis', written over a horizontal line.

Victor F. DeFrancis (202) 326-3495
Karen Mandel (202) 326-2491

Division of Advertising Practices
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, DC 20580

Dated: February 25, 2009

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

In the Matter of)
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)

ALEXANDER HECKMAN,)
 individually and doing business)
 as Omega Supply, and)
)

DOCKET NO. 9332

ERICK DEL RIO,)
 Respondents.)
)
)

NOTICE OF DISMISSAL

WHEREAS Complaint Counsel has filed a Motion to Dismiss this matter, without prejudice, on the ground that efforts to serve Respondents have been unsuccessful;

IT IS THEREFORE ORDERED that the above-docketed Complaint is hereby dismissed, without prejudice.

Respectfully Submitted,

D. Michael Chappell
Administrative Law Judge

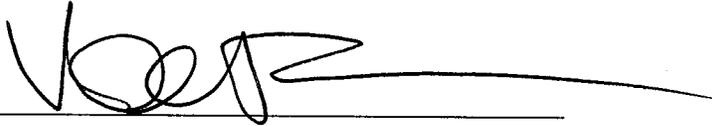
Dated: March ____, 2009

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on February 25, 2009, I served the attached Response to Second Status Report and Motion to Dismiss Without Prejudice electronically to oyalj@ftc.gov and upon the following:

Donald Clark
Office of the Secretary
Federal Trade Commission
H-172 600 Pennsylvania Avenue, N. W.
Washington, DC 20580

Hon. D. Michael Chappell
Administrative Law Judge
H -106 600 Pennsylvania Avenue, N.W.
Washington, DC 20580

A handwritten signature in black ink, appearing to read 'V. DeFrancis', is written over a horizontal line. The signature is stylized and extends to the right of the line.

Victor DeFrancis
Complaint Counsel