

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

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

ORDER CONFIRMING BENCH RULINGS ON PENDING MOTIONS

I.

Pursuant to the February 19, 2010 Revised Order for Further Proceedings on Respondents' Application for Award of Attorney Fees and Other Expenses, a status hearing was conducted on March 2, 2010, by telephone conference on the record, at which all parties were present. During that hearing, pending motions were addressed and rulings on certain pending motions were made on the record, as set forth below.

II.

On February 1, 2010, Complaint Counsel submitted its 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 Motion for Leave"), which attached Complaint Counsel's proposed response. In response, on February 2, 2010, Respondents submitted their Motion for Leave to File a Response to Complaint Counsel's Motion for Leave and proposed response ("Respondents' Motion for Leave"). For the reasons stated on the record at the status hearing, Complaint Counsel's Motion for Leave was GRANTED, and it was further ORDERED on the record that the proposed response attached to the Motion for Leave shall be deemed submitted ("Response"). Respondents' Motion for Leave was GRANTED, and it was further ORDERED on the record that any such response shall be filed by Respondents no later than March 12, 2010.

On February 3, 2010, Complaint Counsel submitted its Motion for Leave to File an Amended Attachment to its Response ("Motion to Amend"), along with its proposed amended Attachment "A." On February 4, 2010, Respondents submitted their Motion to Object and to Oppose Complaint Counsel's Three Motions, Feb. 1 through Feb. 3, 2010. Respondents

submitted their Further Motion to Strike and Oppose the same filings of Complaint Counsel, on February 8, 2010. For the reasons stated on the record at the status hearing, Complaint Counsel's Motion to Amend was GRANTED, and it was further ORDERED on the record that the proposed amended Attachment "A," included with the Motion to Amend, shall be deemed submitted. In addition, the foregoing Respondents' Motion to Object and Oppose, and Further Motion to Strike and Oppose, were each DENIED.

On February 26, 2010, Respondents submitted their Motion to Sanction Complaint Counsel for Her Improper Actions in the Matter of Gemtronics, Inc. and William H. Isely, Respondents ("Motion for Sanctions"). At the status hearing, Complaint Counsel made an oral motion for an extension of time of ten days to respond to Respondents' Motion for Sanctions. Respondents stated that they had no objection to Complaint Counsel's Motion for Extension of Time. Accordingly, that Motion was GRANTED, and it is hereby ORDERED that Complaint Counsel shall have a ten (10) day extension of time to respond to Respondents' Motion for Sanctions.

As stated on the record at the status hearing, Respondents' Motion for the ALJ to Exclude Complaint Counsel's Belated Answer to the Respondents' Application For Award and Not Make It Part of the Record Because Its Submittal Did Not Meet the 30 Day Time Requirement, submitted January 7, 2010, has been WITHDRAWN.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: March 4, 2010