

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



_____)
In the Matter of)
)
LabMD, Inc.,)
a corporation,)
Respondent.)
)
_____)

PUBLIC

Docket No. 9357

ORIGINAL

JOINT MOTION FOR *IN CAMERA*
TREATMENT RELATED TO FORMER LABMD EMPLOYEE

Pursuant to Rule 3.45 of the Commission’s Rule of Practice, 16 C.F.R. § 3.45, Complaint Counsel and Respondent hereby seek leave of Court to late-file this request that the Court grant *in camera* treatment to anticipated testimony and additional exhibits containing information related to [REDACTED]

[REDACTED], which are described herein. The Court granted *in camera* treatment to multiple exhibits related to this topic on May 6, 2014. The parties now request the Court extend *in camera* treatment to live and additional deposition testimony related to the same subject.

Under Rule 3.45(b), the Court may order that material be placed *in camera* “after finding that its public disclosure will likely result in a clearly defined, serious injury to the person, partnership, or corporation requesting in camera treatment.” 16 C.F.R. § 3.45(b). The Court may also grant *in camera* treatment to sensitive personal information. *Id.* The definition of sensitive personal information “shall not be limited to” the types of information listed in Rule 3.45(b). *Id.* Sensitive personal information “shall be accorded permanent in camera treatment unless disclosure or an expiration date is required and provided by law.” 16 C.F.R. § 3.45(b)(3).

In submitting their previous motions, the parties overlooked the discussion of [REDACTED]

[REDACTED]

[REDACTED] in three other deposition transcripts. First, Complaint Counsel's exhibit CX0710 and Respondent's exhibit RX492 are transcripts of the Rule 3.33 deposition of LabMD, Inc. designee Michael Daugherty, relevant pages attached as Exhibit A. Second, Complaint Counsel's exhibit CX0704 and Respondent's exhibit RX486 are deposition transcripts of John Boyle, relevant pages attached as Exhibit B. And third, Complaint Counsel's exhibit CX0715 and Respondent's exhibit RX497 are deposition transcripts of Patricia Gilbreth, relevant pages attached as Exhibit C. All include the sensitive personal information described above. Furthermore, this information may be the subject of examination of witnesses testifying live during Respondent's case in the evidentiary hearing starting on May 27, 2014.

Due the personal, reputational nature of this information, the parties respectfully request that the Court again find that this information falls under Rule 3.45's protection of sensitive personal information, and accordingly grant this Joint Motion for *In Camera* Treatment Related to Former LabMD Employee and confer permanent *in camera* treatment to exhibits CX0710, CX0704, CX0715, RX492, RX486, and RX497, and to any related testimony at the evidentiary hearing.

Dated: June 2, 2014

William Sherman / with permission JAB

Reed Rubinstein
William A. Sherman, II
Sunni Harris
Dinsmore & Shohl, LLP

Respectfully submitted,

Alain Sheer

Alain Sheer
Laura Riposo VanDruff
Megan Cox
Margaret Lassack

801 Pennsylvania Avenue, NW, Suite 610
Washington, DC 20004
reed.rubinstein@dinsmore.com
william.sherman@dinsmore.com
sunni.harris@dinsmore.com

Michael Pepson
Lorinda Harris
Hallee Morgan
Robyn Burrows
Kent Huntington
Daniel Epstein
Patrick Massari
Cause of Action
1919 Pennsylvania Avenue, NW, Suite 650
Washington, DC 20006
michael.pepson@causeofaction.org
lorinda.harris@causeofaction.org
hallee.morgan@causeofaction.org
robyn.burrows@causeofaction.org
kent.huntington@causeofaction.org
daniel.epstein@causeofaction.org
patrick.massari@causeofaction.org

Counsel for Respondent LabMD, Inc.

Ryan Mehm
John Krebs
Jarad Brown
Federal Trade Commission
600 Pennsylvania Ave., NW
Room NJ-8100
Washington, DC 20580
Telephone: (202) 326-2927 – Brown
Facsimile: (202) 326-3062
Electronic mail: jbrown4@ftc.gov

Complaint Counsel

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

_____)	
In the Matter of)	PUBLIC
)	
LabMD, Inc.,)	Docket No. 9357
a corporation,)	
Respondent.)	
_____)	

[PROPOSED] ORDER GRANTING JOINT MOTION FOR *IN CAMERA* TREATMENT RELATED TO FORMER LABMD EMPLOYEE

Upon consideration of the Joint Motion for *In Camera* Treatment Related to Former LabMD Employee, it is hereby

ORDERED, that Complaint Counsel’s exhibits CX0710, CX0704, and CX0715 and Respondent’s exhibits RX492, RX486, and RX497 are granted permanent *in camera* treatment, and that any live testimony related to the subject of this motion will also be heard *in camera*.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date:

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2014, I caused the foregoing document to be filed electronically through the Office of the Secretary's FTC E-filing system, which will send notification of such filing to:

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW, Room H-113
Washington, DC 20580

I also certify that I caused a copy of the foregoing document to be transmitted *via* electronic mail and delivered by hand to:

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW, Room H-110
Washington, DC 20580

I further certify that I caused a copy of the foregoing document to be served *via* electronic mail to:

Michael Pepson
Lorinda Harris
Hallee Morgan
Robyn Burrows
Kent Huntington
Daniel Epstein
Patrick Massari
Cause of Action
1919 Pennsylvania Avenue, NW, Suite 650
Washington, DC 20006
michael.pepson@causeofaction.org
lorinda.harris@causeofaction.org
hallee.morgan@causeofaction.org
robyn.burrows@causeofaction.org
kent.huntington@causeofaction.org
daniel.epstein@causeofaction.org
patrick.massari@causeofaction.org

Reed Rubinstein
Sunni Harris
William A. Sherman, II
Dinsmore & Shohl, LLP

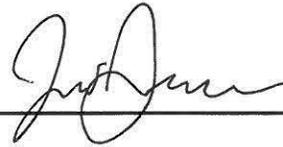
801 Pennsylvania Avenue, NW, Suite 610
Washington, DC 20004
reed.rubinstein@dinsmore.com
william.sherman@dinsmore.com
sunni.harris@dinsmore.com
Counsel for Respondent LabMD, Inc.

CERTIFICATE FOR ELECTRONIC FILING

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

June 2, 2014

By:

A handwritten signature in black ink, appearing to read "Jarad Brown", is written over a solid horizontal line.

Jarad Brown
Federal Trade Commission
Bureau of Consumer Protection

Exhibit A

1 **Q. Has Experian provided a report to LabMD that**
2 **would identify what it learned in the course of**
3 **providing this credit monitoring?**

4 A. Not that I know, no.

5 **Q. Has the credit monitoring revealed any**
6 **unauthorized use, any fraudulent use of sensitive**
7 **information?**

8 A. Not to my knowledge.

9 **Q. Did Experian provide any report that would**
10 **have identified fraudulent use associated with the**
11 **accounts being monitored?**

12 A. Not to my knowledge.

13 **Q. In the second paragraph, or the second**
14 **sentence --**

15 A. I'm sorry, paragraph or sentence?

16 **Q. Sentence.**

17 A. In the second paragraph or the first?

18 **Q. It's the first paragraph, second sentence of**
19 **CX 143 it notes, the City of Sandy Springs Police**
20 **Department has been contacted and they are assisting**
21 **us in this matter.**

22 **What assistance did LabMD seek from the**
23 **Sandy Springs Police Department?**

24 A. Whatever assistance they chose to provide.

25 **Q. Did LabMD provide any information to the**

1 **Sandy Spring Police Department?**

2 A. My lawyer, the lawyer spoke to Sandy Springs
3 Police Department.

4 **Q. Did LabMD provide any information, meaning**
5 **documents, to the Sandy Spring Police Department?**

6 A. I believe, I have to check with the lawyer,
7 but I'm pretty reasonably sure that he gave them the
8 information that was procured from Sacramento.

9 **Q. What do you mean the information that was**
10 **procured from Sacramento?**

11 A. The copies of the checks and, and the
12 redacted -- the day sheet that was redacted out and
13 then the subsequent -- that's all I know, actually.
14 I'm not sure exactly what else he gave them. I have
15 to check with him.

16 [REDACTED]

22 **Q. So your testimony is that as LabMD's**
23 **representative in this deposition, you're not sure**
24 **what information LabMD gave to the Sandy Spring Police**
25 **Department other than the Sacramento Police Department**

1 **documents?**

2 A. My, my, my representation is that LabMD's
3 lawyers spoke with the Police Department and I was not
4 privy to that conversation nor communication, but I'll
5 be able to find out for you.

6 [REDACTED]

1 [REDACTED]

13 MR. SHEER: Could you read it back, please.
14 (The reporter read the record as
15 requested.)

16 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 but it was fairly quick, it was 5 and 10 at the most.

2 **Q. What prompted LabMD to call the Sandy**

3 **Springs Police Department?**

4 A. We were hoping they would call Sacramento

5 and get more information out of Sacramento than

6 Sacramento would tell us.

7 **Q. Anything else?**

8 A. We wanted to report the incident.

9 **Q. What is it that you were expecting would be**

10 **done with the report?**

11 A. An investigation.

12 **Q. Did the Sandy Spring Police Department make**

13 **any arrests in connection with your request?**

14 A. Not that I recall.

15 **Q. Going back to Experian, did it provide any**

16 **information to LabMD about the credit monitoring?**

17 A. Can you specify what you mean by

18 information?

19 **Q. Well it could be did they send you a bill,**

20 **meaning that?**

21 A. Oh, that's information?

22 **Q. That's information.**

23 A. This, it was covered by insurance, so they,

24 I believe they did not send us, we had to get the bill

25 to the insurance carrier. I don't know if they

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 communicated with the insurance carrier or not. We

2 had a deductible, you know, it was 1,000 dollars.

3 **Q. This is a deductible that LabMD had to pay?**

4 A. Correct.

5 **Q. Did Experian send you a bill meaning LabMD a**

6 **bill and LabMD submits for reimbursement to its**

7 **insurance company?**

8 A. Well Stephen Fusco was to take care of that,

9 so I would have to check.

10 **Q. Was any other information received from**

11 **Experian by LabMD relating to this credit monitoring**

12 **program?**

13 A. I believe there was a general brochure.

14 **Q. Anything besides a general brochure?**

15 A. I believe there may have been communications

16 from the sales rep.

17 **Q. This is the Experian sales rep?**

18 A. Uh-huh.

19 **Q. Anything else besides that?**

20 A. Not that I can recall.

21 **Q. Has LabMD communicated at any time with the**

22 **Department of Health and Human Services about the P to**

23 **P insurance aging file?**

24 A. Not that I recall.

25 **Q. Did LabMD ever notify HHS' office of civil**

10 **Q. When did you request assistance from,**

11 **meaning when did LabMD request assistance from the**

12 **Sandy Spring Police Department?**

13 A. I'd have to check with the lawyer when he

14 called me. That communication I know was after we

15 learned, after we had received the redacted form from

16 the Federal Trade Commission and then called the

17 Sacramento Police.

18 **Q. How long was the interval between when you**

19 **saw the Sacramento, the documents that the Sacramento**

20 **Police Department had found and when LabMD called the**

21 **Sandy Springs Police Department?**

22 A. I'd have to check. It was a matter of days

23 at most, I believe.

24 **Q. So that's, is that five days, 10 days?**

25 A. It, it, my recollection, I have to check,

Exhibit B

1 employees reached out to them?

2 A. Yes.

3 Q. Or yes, it was a major issue?

4 A. No, they were not responsive when we reached out.

5 Q. Looking first at Cypress, did -- rephrase it.

6 What services did Cypress provide for LabMD?

7 A. I would have to go back and look to list that.

8 Q. Did Cypress provide security services for LabMD?

9 A. That's a very vague . . .

10 Q. Did the service that Cypress provide assist with
11 LabMD's network security?

12 A. Assist how?

13 Q. What services did Cypress provide?

14 A. I don't know. I'd have to go back to look to be
15 able to tell you that.

16 Q. Did Cypress provide T1 lines?

17 A. I don't know if they provided T1 lines.

18 Q. Did LabMD have T1 lines?

19 A. I don't know. I would have to go back and look.
20 The network and architecture changed during my tenure there.

21 Q. You had mentioned the change, which I believe was
22 from the Perimeter Center location to the Powers Ferry Road
23 location, at some point in time in -- I believe you just
24 said 2009; is that correct?

25 A. Correct.

1 Q. When LabMD switched locations, can you describe to
2 me how the network changed.

3 A. We went from four suites in a building on two
4 networks, providing service to different suites, into a
5 single building on one floor with all departments in a
6 single facility by ourselves.

7 Q. At subsequent times while at Powers Ferry Road,
8 did LabMD add floors?

9 A. Say that again.

10 Q. I believe you just testified that LabMD, when they
11 moved to the Powers Ferry location, were on a single floor;
12 is that correct?

13 A. Correct.

14 Q. At a subsequent point in time while at Powers
15 Ferry Road location, did LabMD move on to additional floors?

16 A. It was a one-floor building.

17 Q. So the answer to that would be no?

18 A. "No."

19 Q. When LabMD moved to Powers Ferry Road location,
20 were there any changes in security practices?

21 A. I can't tell you exactly, but as I understand
22 that, it was a two-stage move because there were two
23 sections in the Perimeter Center location, and one section
24 moved before the other one, but that the routers, firewalls,
25 et cetera -- we even used Cypress through the move to keep

1 things as constant as possible, but that was set up in the
2 new facility.

3 So we went from the two to the one, but the
4 structures that came over came over in two phases. And we
5 may have eliminated a piece of the network structure because
6 of redundance and complexity that was needed in a
7 multi-floor, multi-network situation versus the Powers
8 Ferry. So there were changes. That's what I can show.

9 Q. So Cypress was still your ISP when you moved into
10 the Powers Ferry Road location. Do you recall how long
11 after that move that you transitioned to your new ISP?

12 A. I don't know when.

13 Q. Are you familiar with the following IP address:
14 64.190.82.42?

15 A. No.

16 Q. And I can write that out if that would help.

17 Do you recall the range of IP addresses while you
18 were at LabMD? Do you recall LabMD's range of IP addresses
19 while you were employed there?

20 A. While I was employed, I believe it changed.

21 Q. When did that change take place?

22 A. With the conversion from a dual network to a
23 single network, but also from one carrier to another.

24 Q. And when we're talking about "carrier," we're
25 talking ISPs?

1 A. From Cypress to Cbeyond.

2 Q. And our discussions about Roz Woodson earlier, I
3 believe you testified that she was terminated; is that
4 correct?

5 A. That's correct.

6 Q. Do you recall when she was terminated?

7 A. I would have to verify, but I believe it was
8 around August.

9 Q. Of when?

10 A. 2008, I believe. I would have to look to confirm
11 both the August and the year.

12 Q. Do you recall why she was terminated?

13 A. Performance.

14 Q. Was she terminated as a result -- did the Tiversa
15 incident have any impact on her termination?

16 A. I can't say what degree it did or did not have.

17 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

13 **Q. Are you familiar with an employee by the name**

14 **Lawrence Hudson? And I understand --**

15 **(Interruption by reporter.)**

16 MR. KREBS: Lawrence is a woman, but it's spelled,

17 if I remember correctly, just like you would spell a man --

18 A. L-A-W-R-E-N-C-E.

19 **Q. (BY MR. KREBS) Correct.**

20 A. Hudson, H-U-D-S-O-N. Yes, I am familiar with her.

21 **Q. And what department did she work in?**

22 A. She was a sales territory director or manager.

23 **Q. Do you recall when she left her employment with**

24 **LabMD?**

25 A. I don't know when exactly.

1 CERTIFICATION OF DEPONENT

2

3 I, JOHN BOYLE, do hereby certify that I have read

4 the above and foregoing deposition and that the same is a

5 true and accurate transcription of my testimony, except for

6 attached amendments, if any.

7 Amendments attached () Yes () No

8

9

10 _____

11 JOHN BOYLE

12 The signature above of JOHN BOYLE, was subscribed and sworn

13 to before me in the county of _____, state of

14 Colorado, this _____ day of _____, 2013.

15

16

17 _____

18 Notary Public

19 My commission expires

20 In Re LabMD, 01/28/2014 (caa)

21

22

23

24

25

1 **Q. Do you know whether she quit? Was terminated?**

2 A. I believe she was terminated.

3 **Q. Do you recall why?**

4 A. Performance is what I believe to be the reason.

5 MR. KREBS: Can we go off the record.

6 (A recess was taken from 4:45 p.m. to 4:49 p.m.)

7 MR. KREBS: We have no further questions at this

8 time.

9 MR. SHERMAN: As usual, we designate this

10 confidential pursuant to the protective order that's been

11 issued by the Commission. But you don't need to know about

12 that.

13 MR. KREBS: Thank you very much.

14 WHEREUPON, the within proceedings were concluded

15 at the approximate hour of 4:49 p.m. on the

16 January 28, 2014.

17 * * * * *

18

19

20

21

22

23

24

25

1 REPORTER'S CERTIFICATE

2 STATE OF COLORADO)

3) ss.

4 CITY AND COUNTY OF DENVER)

5 I, CARRIE A. ARNOLD, Registered Professional

6 Reporter, Certified Realtime Reporter, and Notary Public,

7 State of Colorado, do hereby certify that previous to the

8 commencement of the examination, the said JOHN BOYLE was

9 duly sworn by me to testify to the truth in relation to the

10 matters in controversy between the parties hereto; that the

11 said deposition was taken in machine shorthand by me at the

12 time and place aforesaid and was thereafter reduced to

13 typewritten form, consisting of 160 pages herein; that the

14 foregoing is a true transcript of the questions asked,

15 testimony given, and proceedings had. I further certify

16 that I am not employed by, related to, nor of counsel for

17 any of the parties herein, nor otherwise interested in the

18 outcome of this litigation.

19 IN WITNESS WHEREOF, I have affixed my signature

20 and seal this 3rd day of February, 2014.

21 My commission expires October 11, 2016.

22 _____

23 Carrie A. Arnold, RPR, CRR

24 Commission No. 20004029988

25

Exhibit C

1 **Q Did you take over her job afterwards?**
 2 A After she was terminated, yes.
 3 **Q Do you know why she was terminated?**
 4 A Yes.
 5 **Q Why?**
 6 A Considered job abandonment.
 7 **Q What do you mean by that?**
 8 A Three days no call, no show.
 9 **Q Any other reason for her termination?**
 10 A It was also listed as not meeting billing
 11 manager standards.
 12 **Q How do you know that?**
 13 A Because I wrote the termination letter.
 14 **Q What did you mean when you wrote the**
 15 **termination letter saying not meeting billing manager**
 16 **standards?**
 17 A That there were specific tasks that she
 18 was expected to meet, certain goals that we could
 19 define that she had not.
 20 **Q What were those goals that she did not**
 21 **meet?**
 22 A I don't recall.
 23 **Q You mentioned that LimeWire was found on a**
 24 **computer that Roslyn Woodson was using. Do you know**
 25 **whether a file was shared from that computer using**

1 **LimeWire?**
 2 A I can't say for sure.
 3 **Q Was the company told that a file had been**
 4 **found -- a LabMD file had been found on a file**
 5 **sharing network?**
 6 A Yes.
 7 MR. SHERMAN: Objection as to form.
 8 You can answer the question.
 9 A Yes.
 10 **Q The answer is yes. How do you know that?**
 11 A I was told.
 12 **Q Who told you?**
 13 A John Boyle.
 14 **Q What did he tell you?**
 15 A Specifically, I don't recall.
 16 **Q Do you know what kind of file was shared**
 17 **to the file sharing network?**
 18 MR. SHERMAN: Objection as to form.
 19 You can answer the question.
 20 A Yes.
 21 **Q What kind of file?**
 22 A An aging file.
 23 **Q We've talked about two kinds of aging**
 24 **files today. We've talked about patient aging files**
 25 **and insurance aging files. Which kind of file was**

1 **it?**
 2 A I don't recall.
 3 **Q Were you shown the file at any time while**
 4 **you worked at LabMD?**
 5 MR. SHERMAN: Objection as to form.
 6 You may answer.
 7 A A page or two, yes.
 8 **Q Who showed that to you?**
 9 A I don't recall.
 10 **Q Do you know if the company conducted an**
 11 **investigation into how that file had been shared to**
 12 **the file sharing network?**
 13 MR. SHERMAN: Objection. You may answer.
 14 A I believe so.
 15 **Q Do you know who conducted the**
 16 **investigation?**
 17 A I believe so.
 18 **Q Who was that?**
 19 A John Boyle, with the IT staff.
 20 **Q Who in the IT staff?**
 21 A Alison Simmons, I believe Curt Kaloustian,
 22 and I believe Chris Maire.
 23 **Q Did you talk to any of them about the**
 24 **investigation?**
 25 A I believe I did.

1 **Q What did they say to you?**
 2 A I don't recall exact conversations.
 3 **Q Just the substance of it.**
 4 A I think asking why any of the computers
 5 would have a file. And I was not aware as to why any
 6 would, but we checked the computers in the billing
 7 department to try to find the file.
 8 **Q And what did you find?**
 9 A I personally didn't find anything.
 10 **Q What did they find?**
 11 A The file believed to be the file that was
 12 obtained on Roslyn's computer.
 13 **Q Do you know if they found other computers**
 14 **in the billing department or in LabMD that had**
 15 **LimeWire installed on them?**
 16 A Not to my knowledge.
 17 **Q I'm understanding from your testimony that**
 18 **you took over as billing manager when Roslyn Woodson**
 19 **was terminated; is that correct?**
 20 A Yes.
 21 [REDACTED]

1 [REDACTED]
 2 [REDACTED]
 9 [REDACTED]

[REDACTED]

[REDACTED]

1 [REDACTED]

20 **Q** LabMD has stated that it is covered by
 21 the -- by HIPAA. Do you know what HIPAA is?
 22 **A** Yes.
 23 **MR. SHERMAN:** Objection as to the form of
 24 the question.
 25 You may answer.

1 A Just some of the paragraphs through the
 2 first couple of pages.
 3 **Q What pages are you referring to? If you**
 4 **could use the Bates numbers, that would be helpful.**
 5 A FTC-LABMD-003143 through 003147. Then
 6 starting at FTC-LABMD-003148 through 003162. Those
 7 I'm familiar with.
 8 **Q You are familiar with?**
 9 A The back portion, yes.
 10 **Q Have you seen the back portion in writing?**
 11 A Yes.
 12 **Q When?**
 13 A In a security -- I don't remember the
 14 exact title of it, but it was an IT handbook manual,
 15 similar to the general employee manual. Then there
 16 were specific IT guidelines. And these last pages
 17 are the format that I am accustomed to seeing.
 18 **Q When did you see the document in that**
 19 **format?**
 20 A We had a couple different rounds of when
 21 the handbook was changed and updated, the IT security
 22 handbook was also updated.
 23 **Q Are you referring to CX 06, Exhibit CX 6,**
 24 **as the IT handbook?**
 25 A Yes.

[REDACTED]

1 **Q When did you first see this Exhibit CX 6?**
 2 A I really don't recall. I know the last
 3 four, five, or six years it was there. I can't say
 4 for sure when I first saw it.
 5 **Q How did you come to see it?**
 6 A I believe during an employee handbook
 7 training.
 8 **Q What was done with it at the employee**
 9 **handbook training?**
 10 A That we reviewed each of the policies.
 11 Each page had to be initialed. And there was also a
 12 final acknowledgement page. That's why I say parts
 13 of it are familiar but not in this format.
 14 MR. SHEER: Do you want to stop?
 15 Let's go off the record for just a few
 16 minutes.
 17 (Discussion off the record, 11:41 a.m.)
 18 (Recess taken, 11:41 a.m. to 12:07 p.m.)
 19 [REDACTED]

[REDACTED]

14 **Q What is the current status of the company,**
 15 **of LabMD?**
 16 A LabMD has ceased operations as of
 17 January 11, 2014.
 18 **Q Are there any continuing operations for**
 19 **the company?**
 20 A I believe so.
 21 **Q What are they?**
 22 A To the best of my knowledge, Jeff Martin
 23 is still working on some wind-down activities,
 24 although I do not know what, and there are some
 25 billing functions that are still happening.