

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: Joseph J. Simons, Chairman
Noah Joshua Phillips
Rohit Chopra
Rebecca Kelly Slaughter
Christine S. Wilson

In the Matter of)
)
1-800 Contacts, Inc.,)
a corporation,)
)
Respondent)
_____)

DOCKET NO. 9372

ORDER STAYING EFFECTIVE DATE OF FINAL ORDER

By this Order, we, on our own motion, extend the final and effective date of the Final Order in this matter until March 1, 2019.

The Final Order was set to become final and effective on January 25, 2019. On December 10, 2018, Respondent filed an application to stay the Final Order pending judicial review. Complaint Counsel opposed that application on December 18, 2018.

Commission Rule 3.56 provides that the Commission ordinarily shall issue a ruling on an application to stay within 30 days after the application is filed.¹ On December 28, however, the lapse in appropriations and subsequent shutdown of ordinary agency operations rendered it impossible for the Commission to resolve the pending application for a stay while the shutdown continued.

In light of the prolonged shutdown of agency operations, the Commission has determined to extend its time to issue its ruling on Respondent's application until on or before February 14, 2019.

Further, in order to allow the Commission sufficient time to address the stay motion before any judicial stay proceedings become necessary, and out of fairness to the parties, we stay the effective date of the Final Order until March 1, 2019. This stay is retroactive to January 25, 2019, the original effective date.

¹ *Accord* 16 C.F.R. § 3.56(b). *See also* 15 U.S.C. § 45(g)(2)(B).

IT IS HEREBY ORDERED, *nunc pro tunc*, that the final and effective date of the Final Order is stayed from January 25, 2019, to March 1, 2019.

By the Commission, Commissioner Wilson not participating.



April J. Tabor
Acting Secretary

ISSUED: January 31, 2019