

ORIGINAL



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

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In the Matter of)
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Docket No. 9358

PUBLIC DOCUMENT

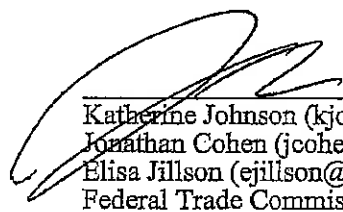
**JOINT MOTION FOR ENTRY OF AN ORDER EXCLUDING
ROD ALIRE AS A WITNESS**

Complaint Counsel conferred with Respondent ECM Biofilms, Inc. ("ECM") regarding Compliant Counsel's intent to depose Mr. Rod Alire pursuant to Rule 3.33. In consideration of Complaint Counsel's agreement not to depose Mr. Alire, ECM agrees not to call Mr. Alire at trial. Complaint Counsel and ECM further stipulate and agree that Mr. Alire will not testify at trial, even in rebuttal. Subject to the Court's instructions,¹ the parties respectfully request that the Court enter the proposed order memorializing their stipulation.

Dated: May ~~10~~, 2014

IS


Respectfully submitted,



Katherine Johnson (kjohnson3@ftc.gov)
Jonathan Cohen (jcohen2@ftc.gov)
Elisa Jillson (ejillson@ftc.gov)
Federal Trade Commission
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And

¹ The parties are uncertain regarding how the Court would prefer them to approach stipulations regarding testimony, as opposed to stipulations regarding documentary evidence.



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UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

_____)	
In the Matter of)	
)	
ECM BioFilms, Inc.,)	Docket No. 9358
a corporation, also d/b/a)	
Envioplastics International)	PUBLIC DOCUMENT
_____)	

[PROPOSED] ORDER EXCLUDING ROD ALIRE AS A WITNESS

This matter having come before the Chief Administrative Law Judge on May 12, 2014,
upon a Joint Motion for Entry of an Order Excluding Rod Alire as a Witness, it is hereby

ORDERED that:

- 1. The Joint Motion is **GRANTED**;
- 2. Pursuant to the parties' stipulation, it is hereby **ORDERED** that Mr. Rod Alire
will not testify at trial, even in rebuttal.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on May ~~10~~, 2014, I caused a true and correct copy of the foregoing document to be served as follows: *IS*

One electronic courtesy copy to the **Office of the Secretary:**

Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Room H-159
Washington, DC 20580
Email: secretary@ftc.gov

One electronic and one paper courtesy copy to the **Office of the Administrative Law Judge:**

The Honorable D. Michael Chappell
Administrative Law Judge
600 Pennsylvania Ave., NW, Room H-110
Washington, DC 20580

One electronic copy to **Counsel for the Respondent:**

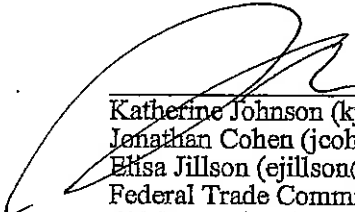
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Date: May ~~10~~, 2014

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