

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

In the Matter of

**HOMEADVISOR, INC., a corporation,
d/b/a ANGI LEADS,
d/b/a HOMEADVISOR POWERED BY ANGI.**

DOCKET NO. 9407

**COMPLAINT COUNSEL'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO
MOVE TO COMPEL DISCOVERY RESPONSES**

Complaint Counsel respectfully move to extend the time by which Complaint Counsel must move to compel Respondent's responses to Complaint Counsel's First Set of Interrogatories and First Set of Requests for Production of Documents (hereafter, "First Set of Discovery Requests"), and to amend Paragraph 8 of the Scheduling Order to extend the time by which either party must move to compel any future responses to discovery requests. Respondent does not oppose this motion.

Complaint Counsel served their First Set of Discovery Responses on Respondent on April 18, 2022. Respondent served its Responses and Objections to Complaint Counsel's First Set of Interrogatories and First Set of Requests for Production of Documents (hereafter, "Responses and Objections") on Complaint Counsel by email on May 18, 2022. In its Responses and Objections, Respondent stated that it intended to produce certain documents responsive to some of the Requests and, with respect to other Requests, it was willing to meet and confer to better understand what additional documents should be produced.

On June 8, 2022, Complaint Counsel received Respondent's first production of documents, which Complaint Counsel understand are responsive to the Requests. On June 10,

2022, Complaint Counsel and Respondent (collectively, “the Parties”) held an initial meet and confer conference regarding the Responses and Objections, during which Respondent stated that it intended to produce additional documents, and during which the Parties agreed to continue to meet and confer regarding the Responses and Objections.

Pursuant to the Scheduling Order entered in this matter, because Respondent served the Responses and Objections via email on May 18, 2022, any motion by Complaint Counsel to compel responses to its First Set of Discovery Requests must be filed by June 21, 2022. *See* Scheduling Order, ¶ 8 (setting deadline as “within 30 days of service of the responses and/or objections to the discovery requests”); 16 C.F.R. § 4.3(c) (adding one day for email service); 16 C.F.R. § 4.3(a) (when deadline falls on a Saturday, Sunday, or national holiday, deadline moves to the next following non-holiday business day). The Parties expect that neither Respondent’s production of responsive documents nor the meet and confer process will be completed by that date.

Because Respondent has represented that certain additional documents are forthcoming, because the Parties have agreed to continue to meet and confer about the Responses and Objections, and to avoid burdening the Court with a motion to compel that is otherwise potentially avoidable via the meet and confer process, Complaint Counsel request, and Respondent does not oppose, an extension of the date by which Complaint Counsel must move to compel responses to its First Set of Discovery Requests as follows:

Any motion to compel responses to the First Set of Discovery Requests shall be filed within 30 days of after Respondent represents that its responses thereto are complete or within 20 days after the close of discovery, whichever first occurs; except that, where the parties have been engaging in negotiations over a discovery dispute, including negotiations with any nonparty with regard to a subpoena, the deadline for the motion to compel shall be within 5 days of reaching an impasse.

Similarly, to avoid burdening the Court in general with any future motion to compel that is otherwise potentially avoidable via the meet and confer process, Complaint Counsel also request, and Respondent does not oppose, to amend Paragraph 8 of the Scheduling Order as follows:

Compliance with the scheduled end of discovery requires that the parties serve subpoenas and discovery requests sufficiently in advance of the discovery cut-off and that all responses and objections will be due on or before that date, unless otherwise noted. Any motion to compel responses to discovery requests, or to seek certification of a request for court enforcement of a nonparty subpoena, shall be filed within 30 days of when **the responding party declines to make a production or answer an interrogatory, in whole or in part, and no further conferral between the parties is planned on the issue,** ~~service of the responses and/or objections to the discovery requests~~ or within 20 days after the close of discovery, whichever first occurs; except that, where the parties have been engaging in negotiations over a discovery dispute, including negotiations with any nonparty with regard to a subpoena, the deadline for the motion to compel shall be within 5 days of reaching an impasse.

Complaint Counsel have met and conferred with Respondent, and as reflected herein, Respondent does not oppose the proposed extension and amendment to the Scheduling Order. No party will suffer any undue prejudice from the requested proposed extension and amendment to the Scheduling Order. Moreover, the requested proposed extension and amendment to the Scheduling Order will not delay other procedural deadlines or the hearing date set for November 9, 2022.

For these reasons, Complaint Counsel respectfully request that the Court enter the attached proposed Order.

Respectfully submitted,

Dated: June 14, 2022

s/ Sophia H. Calderón

Sophia H. Calderón
Colin D. A. MacDonald
Breena M. Roos
M. Elizabeth Howe

Federal Trade Commission
Northwest Region
915 Second Ave., Suite 2896
Seattle, WA 98174
Tel.: (206) 220-6350
Fax: (206) 220-6366
Email: scalderon@ftc.gov
cmacdonald@ftc.gov
broos@ftc.gov
mhowe@ftc.gov

Counsel Supporting the Complaint

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[PROPOSED] ORDER

Having carefully considered Complaint Counsel's Unopposed Motion for Extension of Time to Move to Compel Discovery Responses, it is hereby

ORDERED as follows:

Any motion to compel responses to Complaint Counsel's First Set of Interrogatories or Complaint Counsel's First Set of Requests for Production of Documents shall be filed within 30 days of after Respondent represents that its responses thereto are complete or within 20 days after the close of discovery, whichever first occurs; except that, where the parties have been engaging in negotiations over a discovery dispute, including negotiations with any nonparty with regard to a subpoena, the deadline for the motion to compel shall be within 5 days of reaching an impasse.

Paragraph 8 of the Scheduling Order is amended as to read as follows:

Compliance with the scheduled end of discovery requires that the parties serve subpoenas and discovery requests sufficiently in advance of the discovery cut-off and that all responses and objections will be due on or before that date, unless otherwise noted. Any motion to compel responses to discovery requests, or to seek certification of a request for court enforcement of a nonparty subpoena, shall be filed within 30 days of when the responding party declines to make a production or answer an interrogatory, in whole or in part, and no further conferral between the parties is planned on the issue, or within 20 days after the close of discovery, whichever first occurs; except that, where the parties have

been engaging in negotiations over a discovery dispute, including negotiations with any nonparty with regard to a subpoena, the deadline for the motion to compel shall be within 5 days of reaching an impasse.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date:

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2022, I filed the foregoing document electronically using the FTC's E-Filing system, which will send notification of such filing to:

April Tabor
Office of the Secretary
Federal Trade Commission
Constitution Center
400 Seventh Street, SW, Suite 5610
Washington, D.C. 20024
ElectronicFilings@ftc.gov

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

I further certify that on June 14, 2022, I caused the foregoing document to be served via email to:

William A. Burck
Dawn Y. Yamane Hewett
Kyra R. Simon
Quinn Emanuel Urquhart & Sullivan, LLP
1300 I Street NW, 9th Floor
Washington, DC 20005
(202) 538-8000
williamburck@quinnemanuel.com
dawnhewett@quinnemanuel.com
kyrasimon@quinnemanuel.com

Stephen R. Neuwirth
Jennifer J. Barrett
Neil T. Phillips
George T. Phillips
Jared Ruocco
Kathryn D. Bonacorsi
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
(212) 849-7000
stephenneuwirth@quinnemanuel.com
jenniferbarrett@quinnemanuel.com
neilphillips@quinnemanuel.com
georgephillips@quinnemanuel.com
jaredruocco@quinnemanuel.com
kathrynbbonacorsi@quinnemanuel.com

Counsel for Respondent HomeAdvisor, Inc.

Dated: June 14, 2022

By: s/ Sophia H. Calderón
Sophia H. Calderón

Counsel Supporting the Complaint