

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

**COMPLAINT COUNSEL’S RESPONSE TO RESPONDENT’S RENEWED
MOTION FOR AN ORDER REQUIRING RICHARD EDWARD WALLACE
TO TESTIFY UNDER A GRANT OF IMMUNITY**

Although Complaint Counsel does not oppose the Court ordering Richard Edward Wallace to testify in this matter pursuant to Rule 3.39, it submits this Response to request that the evidentiary hearing not resume until Complaint Counsel receives and has reviewed the written discovery ordered by the Court. This discovery is necessary for Complaint Counsel to have the opportunity to meaningfully cross-examine Mr. Wallace. *See* Order at 4 (Dec. 8, 2014).

This Court’s December 8, 2014 Order on Complaint Counsel’s Motion for Leave to Issue Subpoenas to Richard Wallace authorized Complaint Counsel to take certain written discovery of Mr. Wallace after “an order is issued . . . requiring Mr. Wallace to testify under a grant of immunity.” Order at 4-5. To permit Complaint Counsel to serve the subpoena *duces tecum* authorized by the Court’s December 8th Order, to provide Mr. Wallace a reasonable period in which to comply fully with the specifications ordered by the Court, and to permit the parties adequate time to review the documents Mr. Wallace produces in response to the subpoena, Complaint Counsel respectfully requests that the Court order the hearing to resume no earlier than 60 days after issuance of an order requiring Mr. Wallace to testify pursuant to Rule 3.39.

Dated: December 15, 2014

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on December 15, 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
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I further certify that I caused a copy of the foregoing document to be served *via* electronic mail to:

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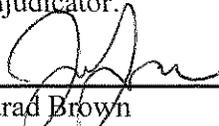
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CERTIFICATE FOR ELECTRONIC FILING

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.

December 15, 2014

By:



Jarad Brown
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Bureau of Consumer Protection