

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



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In the Matter of ) **PUBLIC**  
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 )  
LabMD, Inc., ) Docket No. 9317  
 )  
a corporation, )  
 )  
\_\_\_\_\_  
Respondent. )

**NON-PARTY RICHARD WALLACE'S  
SECOND MOTION FOR A SHORT CONTINUANCE**

Counsel for Richard Wallace, a non-party witness in this action, respectfully moves the Court, pursuant to Rule 3.21(c)(2) and 3.22 of the Commission's Rules of Practice, to continue the trial of this matter and the deposition of Mr. Wallace from March 18, 2015, until March 19, 2015.

**Request for Continuance**

On February 20, 2015, counsel filed a Motion for Continuance, asking for additional time to prepare Mr. Wallace to testify and to account for other concerns set forth therein. The Court granted the motion, continuing the trial from March 3 until March 18. Between filing this motion and receiving the Court's Order, however, counsel discovered a conflict on March 18, the new trial date.

Accordingly, we respectfully ask the Court to schedule the trial of this action on March 19, rather than March 18. This one-day continuance would still allow for the two days anticipated for Mr. Wallace's testimony to take place the same week and would not create undue delay. We have spoken with Complaint Counsel and Respondent's Counsel, both of whom indicated that they do not object to the requested rescheduling.

### **Conclusion**

For the reasons set forth above, counsel respectfully requests the Court to adjourn the trial of this action and Mr. Wallace's appearance for deposition until March 19, 2015, or such time as the Court's calendar may allow.

Respectfully submitted, this 3rd day of March 2015.

/s/ Jacquelyn N. Schell

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**I hereby certify that on March 03, 2015, I filed via hand a paper original and electronic copy of the foregoing Non-Party Richard Wallace's Second Motion for Continuance, with:**

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**I hereby certify that on March 03, 2015, I filed via E-Service of the foregoing Non-Party Richard Wallace's Second Motion for Continuance, with:**

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**I hereby certify that on March 03, 2015, I filed via other means, as provided in 4.4(b) of the foregoing Non-Party Richard Wallace's Second Motion for Continuance, with:**

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