

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

RESPONDENT LABMD, INC.'S NOTICE OF WITHDRAWAL OF MOTION TO RECONSIDER ORDER GRANTING IN PART COMPLAINT COUNSEL'S MOTION TO COMPEL PRODUCTION OF DAUGHERTY AFFIDAVIT

Pursuant to the discussion held during the administrative hearing on May 5, 2015, Respondent LabMD, Inc. ("LabMD") hereby withdraws its pending Motion to Reconsider Order Granting in Part Complaint Counsel's Motion to Compel Production of Daugherty Affidavit ("Motion to Reconsider") which it filed on April 23, 2015. LabMD reserves all arguments made pertaining to the privilege and admissibility of the Daugherty Affidavit.

Dated: May 14, 2015.

Respectfully submitted,

/s/ Prashant K. Khetan

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Counsel for Respondent, LabMD, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2015, I caused to be filed the foregoing document and an electronic copy with the Office of the Secretary:

Donald S. Clark, Esq.
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580

I also certify that I delivered via electronic mail and caused to be hand-delivered a copy of the foregoing document to:

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

I further certify that I delivered via electronic mail a copy of the foregoing document to:

Alain Sheer, Esq.
Laura Riposo VanDruff, Esq.
Megan Cox, Esq.
Ryan Mehm, Esq.
John Krebs, Esq.
Jarad Brown, Esq.
Division of Privacy and Identity Protection
Federal Trade Commission
600 Pennsylvania Ave., N.W.
Room CC-8232
Washington, D.C. 20580

Dated: May 14, 2015

By: /s/ Patrick J. Massari

CERTIFICATE OF 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.

Dated: May 14, 2015

By: /s/ Patrick J. Massari

Notice of Electronic Service

I hereby certify that on May 14, 2015, I filed an electronic copy of the foregoing LabMD's Notice of Withdrawal of Mtn. to Reconsider Order Granting in part Compl. Counsel's Mtn. to Compel Production of Daugherty Affidavit, with:

D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., NW
Suite 110
Washington, DC, 20580

Donald Clark
600 Pennsylvania Ave., NW
Suite 172
Washington, DC, 20580

I hereby certify that on May 14, 2015, I served via E-Service an electronic copy of the foregoing LabMD's Notice of Withdrawal of Mtn. to Reconsider Order Granting in part Compl. Counsel's Mtn. to Compel Production of Daugherty Affidavit, upon:

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