

- b. ECM will redact or expurgate all information subject to privilege, including, *e.g.*, the attorney work product privilege, the attorney-client privilege, and trade secret privileges; and
 - c. ECM shall designate all correspondence with customers (and associated files) as confidential under the standing protective order.
- (2) ECM will timely respond to Complaint Counsel's second set of discovery requests.
- (3) ECM will produce files from the Email Archive on a rolling basis, meaning as it is retrieved and immediately after it is reviewed by counsel, and ECM agrees to complete the production by February 21, 2014, subject to its obligation and right to amend or supplement discovery under 16 C.F.R. § 3.31(e).
- (4) ECM will produce the remainder of the Summary Database (encompassing all emails, faxes, and phone calls from January 1, 2009 to the present) on or before February 12, 2014.

Complaint Counsel's request for documents under the Motion to Compel is now moot based on Respondent's representations above. Accordingly, Complaint Counsel hereby withdraws the Motion to Compel, without prejudice to refileing the Motion if Respondent fails to abide by the terms of its proposed agreement.

Dated: February 7, 2014

Respectfully submitted,

/s/ Katherine Johnson

Katherine Johnson (kjohnson3@ftc.gov)

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Federal Trade Commission

600 Pennsylvania Ave., N.W. M-8102B

Washington, DC 20580

Phone: 202-326-2185; -2551; -3001

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CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2014, I caused a true and correct copy of the foregoing to be served as follows:

One electronic copy to the **Office of the Secretary**, and one copy through the FTC's e-filing system:

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

One electronic copy and one hard 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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I further certify that I possess a paper copy of the signed original of the foregoing document that is available for review by the parties and the adjudicator.

Date: February 7, 2013

/s/ Katherine Johnson
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