

ORIGINAL

PUBLIC

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



In the Matter of)
)
)

LabMD, Inc.,)
a corporation,)
Respondent.)

DOCKET NO. 9357

**ORDER GRANTING RESPONDENT'S MOTION FOR
EXTENSION OF TIME TO REDEPOSE DETECTIVE JESTES**

I.

On March 25, 2014, Respondent LabMD filed a Motion for an Extension of Time to Redepose Detective Karina Jestes ("Motion"). By Order issued March 26, 2014, Federal Trade Commission ("FTC") Complaint Counsel was directed to file its response no later than 1:00 p.m. on March 27, 2014. Complaint Counsel filed its Opposition before 1:00 p.m. on March 27, 2014 ("Opposition"). For the reasons set forth below, Respondent's Motion is GRANTED.

II.

By Order dated March 12, 2014, Respondent's Motion to Redepose Detective Jestes was granted. ("March 12 Order"). The March 12 Order allowed Respondent to take a limited deposition of Detective Jestes on the narrow issue of Detective Jestes' communications with the FTC based upon "Recently Disclosed Documents"¹ and extended the fact discovery deadline of March 5, 2014 for an additional 20 days from the date of that Order (i.e., April 1, 2014) for the purpose of allowing that deposition.

In the instant Motion, Respondent states that immediately upon receiving the March 12, 2014 Order, it attempted to make arrangements to redepose Detective Jestes. Deputy City Attorney Fry advised Respondent that Detective Jestes was on leave from

¹ "Recently Disclosed Documents" was defined as documents that Respondent received after the December 17, 2013 deposition of Detective Jestes and includes documents responsive to the FTC's subpoena *duces tecum* and documents responsive to Respondent's subpoena *duces tecum*. March 12 Order at 2 n.2

For all the foregoing reasons, Respondent's Motion is GRANTED. The time for redepositing Detective Jestes is hereby extended through and including April 11, 2014.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: March 28, 2014