

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF THE ADMINISTRATIVE LAW JUDGES
Washington, D.C.



In the Matter of

**ECM BioFilms, Inc.,
a corporation, also d/b/a
Enviroplastics International,**

Respondent.

Docket No. 9358

PUBLIC

**RESPONDENT'S (SECOND) SUPPLEMENT TO MOTION TO SANCTION
COMPLAINT COUNSEL FOR UNAUTHORIZED DISSUASION OF RESPONSE TO
SUBPOENA DUCES TECUM**

ECM BioFilms, Inc. (ECM), by counsel, hereby supplements its pending Motion to Sanction Complaint Counsel for Unauthorized Dissuasion of Response to Subpoena Duces Tecum (“Motion”) with the attached new information. Yesterday, March 27, 2014, Complaint Counsel filed its combined Opposition to Respondent’s Motion to Sanction Complaint Counsel for Unauthorized Interference with a Third Party Subpoena (filed Mar. 19, 2014). To assure a complete record before this Court, ECM hereby submits a third contact between Matthew J. Wilshire, an attorney working for the FTC’s Bureau of Consumer Protection, and Dr. Frederick Michel. Mr. Wilshire, on behalf of the bureau and acting without leave of court, again directs Dr. Michel in the manner, content, and timing of his subpoena response to ECM. The email is dated March 28, 2014 and, so, it was unavailable to ECM counsel before the date of this Supplement.

Respectfully submitted,

/s/ Jonathan W. Emord
Jonathan W. Emord (jemord@emord.com)

EMORD & ASSOCIATES, P.C.
11808 Wolf Run Lane
Clifton, VA 20124
Telephone: 202-466-6937
Facsimile: 202-466-6938

DATED this 28th day of March 2014.

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2014, I caused a true and correct copy of the foregoing {PUBLIC} filing to be served as follows:

One copy to the **Office of the Secretary** through the e-filing system:

Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Room H-113
Washington, DC 20580
Email: secretary@ftc.gov

One electronic courtesy 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 Complainant**:

Katherine Johnson (kjohnson3@ftc.gov)
Federal Trade Commission
600 Pennsylvania Avenue, NW
Mail stop M-8102B
Washington, D.C. 20580

Elisa Jillson (ejillson@ftc.gov)
Federal Trade Commission
600 Pennsylvania Avenue, NW
Mail stop M-8102B
Washington, D.C. 20580

Jonathan Cohen (jcohen2@ftc.gov)
Federal Trade Commission
600 Pennsylvania Avenue, NW
Mail stop M-8102B
Washington, D.C. 20580

I further certify that I retain a paper copy of the signed original of the foregoing document that is available for review by the parties and adjudicator consistent with the Commission's Rules.

DATED: April 2, 2014

/s/ Jonathan W. Emord
Jonathan W. Emord
EMORD & ASSOCIATES, P.C.
11808 Wolf Run Lane
Clifton, VA 20124
Telephone: 202-466-6937

Attachment A

CONFIDENTIAL EXHIBIT
REDACTED