

ORIGINAL



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
Envioplastics International,**

Respondent.

Docket No. 9358

PUBLIC DOCUMENT

**JOINT MOTION TO RESCHEDULE PRETRIAL CONFERENCE AND ADJUST
SCHEDULING DATES**

Pursuant to the Federal Trade Commission's Rules of Practice ("Rules"), 16 C.F.R. 3.31(c)(1), Respondent ECM BioFilms, Inc. ("ECM") requests that the Court enter the attached proposed order to reschedule the Pretrial Conference date from July 31, 2014 to July 29, 2014, and adjust certain surrounding deadlines as set forth below. Good cause exists for granting this joint motion because Counsel representing Respondent must appear in the United States District Court for the District of Utah in Salt Lake City for another client on July 31, 2014.

On April 10, 2014, this Court entered a Second Revised Scheduling Order setting the following relevant dates:

- July 21, 2014: Complaint Counsel files pretrial brief
- July 28, 2014: Respondent's Counsel files pretrial brief
- July 30, 2014: Final stipulations of law, facts, and authenticity are filed
- July 31, 2014: Final pretrial conference begins at 10:00 am

On July 31, 2014, the same counsel who represent Respondent are required to appear for another client before the United States District Court for the District of Utah. *See Albion International Inc. v. American International Chemical, et al.*, No. 07-cv-997 (D.Utah).¹ Consequently, the conflict with the scheduled July 31 date is irreconcilable. Because of that calendaring conflict, the parties have conferred and have jointly agreed to request that this Court adjust the schedule so that the relevant deadlines would be changed as follows:

- July 23, 2014: Complaint Counsel files pretrial brief
- July 28, 2014: Final stipulations of law, facts, and authenticity are filed
- July 29, 2014: Final pretrial conference begins at 10 am
- July 30, 2014: Respondent's Counsel files pretrial brief

All other deadlines in the Second Revised Scheduling Order would remain unaffected by this adjustment.

¹ On March 24, 2014, before the Commission rescheduled the hearing date in this case to August 5, 2014, ECM obtained a continuance of the hearing date in federal court until July 31, 2014 to avoid a conflict with the Commission's proceeding.

DATED this 16th day of April 2014.

Respectfully submitted,

/s/ Jonathan W. Emord

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² Electronically signed on counsel's behalf with Ms. Johnson's express authority.

STATEMENT CONCERNING MEET AND CONFER

Pursuant to Rule 3.22(g), 21 C.F.R. § 3.22(g), the undersigned counsel certifies that the parties have conferred in a good faith effort to address the issues raised in the foregoing Motion, and they have agreed to the relief jointly requested.

DATED: April 16, 2014.

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In the Matter of

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

Respondent.

Docket No. 9358

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**[PROPOSED] ORDER ENTERING
THE PARTIES' JOINT MOTION TO RESCHEDULE PRETRIAL
CONFERENCE AND ADJUST SCHEDULING DATES**

This matter having come before the Chief Administrative Law Judge on April 16, 2014, upon a Joint Motion to Reschedule Pretrial Conference and Adjust Scheduling Dates, it is hereby ORDERED that the Joint Motion is GRANTED.

It is FURTHER ORDERED that the Scheduling Order shall be revised to reflect the dates set forth in the parties Joint Motion:

- July 23, 2014: Complaint Counsel files pretrial brief
- July 28, 2014: Final stipulations of law, facts, and authenticity are filed
- July 29, 2014: Final pretrial conference begins at 10 am
- July 30, 2014: Respondent's Counsel files pretrial brief

SO ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date:

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2014, I caused a true and correct copy of the paper original of the foregoing **JOINT MOTION TO RESCHEDULE PRETRIAL CONFERENCE AND ADJUST SCHEDULING DATES** to be served as follows:

One electronic 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**:

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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.

/s/ Jonathan W. Emord
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