

ORIGINAL



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of _____
ECM BioFilms, Inc., _____
a corporation, also d/b/a _____
Enviroplastics International _____

Docket No. 9358
PUBLIC DOCUMENT

**JOINT MOTION FOR ENTRY OF PROPOSED ORDER APPROVING
STIPULATION AS TO ADMISSIBILITY OF CERTAIN EVIDENCE**

Pursuant to Commission Rule of Practice 3.31 (f) and 3.43(b)-(c), Complaint Counsel and Respondent ECM Biofilms ("ECM") respectfully request that the Court enter the attached proposed order based on the parties' stipulations regarding certain documents. Specifically, both parties stipulate and agree as follows:

1. Documents produced by Organic Waste Systems, Inc. ("OWS") in this matter Bates Stamped OWS000001 through OWS001630 ("OWS Production"), shall be admitted into evidence at the evidentiary hearing to take place in this matter.
2. The OWS Production or any statement contained in the OWS Production made by any OWS employee or by any employee of any OWS subsidiary, parent, or affiliate is:
 - (a) not excludable as hearsay; (b) authentic; (c) admissible; and (d) not excludable for lack of proper foundation.
3. The parties reserve their rights to object to any of the documents or statements contained in the OWS Production on the bases of relevance, materiality, or unfair prejudice.

Dated: May 1, 2014

Respectfully submitted,

/s/ Katherine Johnson

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CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2014, I caused a true and correct copy of the foregoing document to be served as follows:

One hardcopy original and one courtesy copy to the **Office of the Secretary:**

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

One electronic and one paper 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 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: May 1, 2014

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