

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



ORIGINAL

Docket No. 9361

In the matter of }
 }
Jerk, LLC, a limited liability company, }
also d/b/a JERK.COM, and }
 }
John Fanning, individually and as a }
member of Jerk, LLC, }
 }
Respondents. }

RESPONDENT JERK, LLC'S RESPONSE TO THE COURT'S
ORDER OF DECEMBER 22, 2014

Respondent Jerk, LLC (hereinafter "Jerk") submits the following in response to the Court's Order of December 22, 2014, as modified by the Court's Order of December 30, 2014. Prior counsel for Jerk, Maria Crimi Speth, withdrew from her representation of Jerk in July 2014. She was notified that she would be subpoenaed and was, in fact, deposed in October 2014. Although Ms. Speth asserted the attorney-client privilege and attorney-client confidentiality in response to many questions at her deposition, the fact that she was subjected to a deposition would make many attorneys less likely to take on Jerk's representation.

Jerk understands the discovery obligations imposed by the Commission's Rules of Practice and the Court's prior orders. Jerk has conferred with counsel for the other parties and is working with them to submit, imminently and hopefully today, a joint scheduling motion with an agreed-upon schedule for all aspects of this matter going forward. Because this proposed schedule will include deadlines for Jerk's responses to outstanding interrogatories, document requests, and depositions, no purpose would be served by setting out such a schedule separately. Jerk anticipates that the proposed schedule will call for Jerk's interrogatory and document

responses to be due January 13, 2015. Jerk requests that its responses to the Requests for Admission also be due that day.

WHEREFORE, Jerk respectfully requests that this Honorable Court grant Jerk's Motion to Extend Time to Answer Complaint Counsel's Second Request for Admissions, and extend the time to respond to that request to and including January 13, 2015.

Respectfully submitted,

JERK, LLC,
By its attorneys,

/s/David A. Russcol
David Duncan (Mass. BBO #546121)
David A. Russcol (Mass. BBO #670768)
Zalkind Duncan & Bernstein LLP
65A Atlantic Ave.
Boston, MA 02110
Phone: (617) 742-6020
Fax: (617) 742-3269
dduncan@zalkindlaw.com
drusscol@zalkindlaw.com

Dated: January 5, 2015

CERTIFICATE OF SERVICE

I, David A. Russcol, hereby certify that I have, on January 5, 2015, caused a copy of the foregoing document to be served by email on Complaint Counsel and counsel for Respondent John Fanning, and that I have filed true and correct copies thereof electronically with the Secretary of the Commission and the Office of the Chief Administrative Law Judge. In addition, I have this day caused an original and a paper copy to be delivered by U.S. Mail to Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue, N.W., Room H-172, Washington, D.C., 20580.

/s/David A. Russcol

David A. Russcol