

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



\_\_\_\_\_  
In the Matter of )  
 )  
1-800 CONTACTS, INC., )  
a corporation, )  
 )  
Respondent )  
\_\_\_\_\_ )

DOCKET NO. 9372  
Public

**ORIGINAL**

**COMPLAINT COUNSEL'S UNOPPOSED MOTION FOR, AND MEMORANDUM IN SUPPORT OF AN EXTENSION TO FILE ITS OPPOSITION TO THIRD PARTY WEBEYECARE'S MOTION TO QUASH AND/OR LIMIT COMPLAINT COUNSEL'S SUBPOENA DUCES TECUM**

By this Motion Complaint Counsel moves the Court for an Order extending the time to file its Opposition To Third Party WebEyeCare's Motion to Quash until October 31, 2016. The response is now due on October 24, 2016.

1. Third-party WebEyeCare filed its Motion to Quash Complaint Counsel's Subpeona *Duces Tecum* on October 14, 2016.
2. Complaint Counsel's Opposition to WebEyeCare's Motion to Quash is due Monday, October 24, 2016.
3. The parties are in negotiations of the discovery issues raised by WebEyeCare's motion and have jointly concluded that additional time for negotiations may yield a resolution of all issues.
4. This is the first request by Complaint Counsel for an extension of time to file its response to this motion.

On October 21 and 24, 2016, Complaint Counsel conferred with Dalia Saper, Esq., Counsel for WebEyeCare, and the parties agreed to this extension.

For the foregoing reasons, Complaint Counsel requests that the Court grant an extension until October 31, 2016 for Complaint Counsel to file its Opposition to WebEyeCare's Motion to Quash.

A proposed order is attached.

Dated: October 24, 2016

Respectfully submitted,

/s/ Dan Matheson

Daniel Matheson

Gustav Chiarello

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*Counsel Supporting the Complaint*

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[PROPOSED] ORDER

On the unopposed motion of Complaint Counsel, it is hereby

ORDERED, that the time for Complaint Counsel to respond to Third Party  
WebEyeCare's Motion to Quash is hereby extended until October 31, 2016.

ORDERED:

\_\_\_\_\_  
D. Michael Chappell  
Chief Administrative Law Judge

Date: October \_\_, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that on October 24, 2016, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

Donald S. Clark  
Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW  
Washington, DC 20580

I also certify that I delivered via electronic mail a copy of the foregoing document to:

The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-110  
Washington, DC 20580

I further certify that I delivered via electronic mail a copy of the foregoing document to:

Stuart Senator  
Garth T. Vincent  
Munger, Tolles & Olson LLP  
355 South Grand Avenue  
Los Angeles, CA 90071

*Counsel for Respondent 1-800 Contacts, Inc.*

Dated: October 24, 2016

By: /s/ Daniel Matheson  
Attorney

**CERTIFICATE FOR ELECTRONIC FILING**

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

October 24, 2016

By: s/ Daniel Matheson

Attorney