

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



In the Matter of)
)
LabMD, Inc.,)
)
a corporation,)
)
Respondent.)
)
_____)

PUBLIC

Docket No. 93

ORIGINAL

**COMPLAINT COUNSEL’S NOTICE WITHDRAWING
MOTION TO COMPEL RESPONSES TO COMPLAINT COUNSEL’S SUBPOENA
DUCES TECUM TO RICHARD EDWARD WALLACE AND TO
POSTPONE RESUMPTION OF THE EVIDENTIARY HEARING**

Complaint Counsel hereby gives notice that it withdraws its Motion to Compel Responses to Complaint Counsel’s Subpoena *Duces Tecum* to Richard Edward Wallace and to Postpone Resumption of the Evidentiary Hearing (“Motion”), because Mr. Wallace has completed his production of documents responsive to the Subpoena *Duces Tecum* (“Subpoena”).

Complaint Counsel filed its Motion on February 2, 2015. On February 12, 2015, counsel for Richard Wallace filed an Opposition stating that they expected to produce Mr. Wallace’s final production of responsive documents the following day, February 13, 2015. On February 13, 2015, counsel for Mr. Wallace produced approximately 30 additional documents responsive to the Subpoena to Mr. Wallace, along with a cover letter representing that Mr. Wallace’s February 13, 2015 production combined with his initial production constitute all responsive material in Mr. Wallace’s possession, custody, or control.

In light of Mr. Wallace’s final production and his counsel’s representation that he has produced all responsive documents, Complaint Counsel no longer requires the relief sought from the Court in its Motion. Complaint Counsel therefore respectfully withdraws its Motion to

Compel Responses to Complaint Counsel's Subpoena *Duces Tecum* to Richard Edward Wallace
and to Postpone Resumption of the Evidentiary Hearing.

Dated: February 18, 2015

Respectfully submitted,



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Complaint Counsel

CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2015, I caused the foregoing document to be filed electronically through the Office of the Secretary's FTC E-filing system, which will send notification of such filing to:

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW, Room H-113
Washington, DC 20580

I also certify that I caused a copy of the foregoing document to be transmitted *via* electronic mail and delivered by hand to:

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

I further certify that I caused a copy of the foregoing document to be served *via* electronic mail to:

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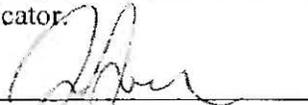
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CERTIFICATE FOR ELECTRONIC FILING

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.

February 18, 2015

By: 

Jarad Brown
Federal Trade Commission
Bureau of Consumer Protection