

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

ORIGINAL

COMMISSIONERS: Edith Ramirez, Chairwoman
Maureen K. Ohlhausen
Joshua D. Wright
Terrell McSweeney



In the Matter of)
) PUBLIC
LabMD, Inc., a corporation)
Respondent.) Docket No. 9357
)

**MOTION FOR LEAVE TO FILE A NOTICE OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF LABMD, INC.'S MOTION TO DISQUALIFY
COMMISSIONER EDITH RAMIREZ**

On April 27, 2015, Respondent LabMD, Inc. ("LabMD") filed a Motion to Disqualify Commissioner Edith Ramirez ("Motion to Disqualify") from the administrative proceedings because she has been irrevocably tainted by her involvement in the Federal Trade Commission's ("FTC") response to a Congressional investigation. On May 8, 2015, and again on May 11, 2015, LabMD obtained documents in response to a FOIA request that are necessary and relevant to the Commission's consideration of the Motion to Disqualify. These documents contain evidence of both the involvement of Commissioner Ramirez in response to Chairman Issa's December 1, 2014 letter to her, and FTC's public attempts to make it appear as if the Chairwoman had no involvement at all, even with regard to something as simple as a response letter. These supplemental records are necessary for the Commission to fully and fairly evaluate, review, and decide LabMD's Motion to Disqualify.

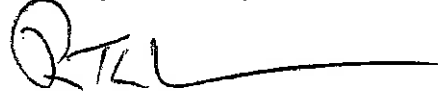
Accordingly, LabMD respectfully requests leave to file the attached Exhibit 1, a Notice of Supplemental Authority In Support of LabMD's Motion to Disqualify Commissioner Ramirez.

CONCLUSION

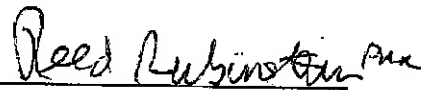
For the reasons stated above, LabMD respectfully requests that the Commission grant its Motion for Leave to File a Notice of Supplemental Authority In Support of LabMD, Inc.'s Motion to Disqualify Commissioner Edith Ramirez.

Dated: May 15, 2015

Respectfully submitted,



Daniel Z. Epstein, Esq.
Prashant K. Khetan, Esq.
Patrick J. Massari, Esq.
Erica L. Marshall, Esq.
Cause of Action
1919 Pennsylvania Ave., NW Suite 650
Washington, DC 20006
Phone: (202) 499-4232
Facsimile: (202) 330-5842
Email: prashant.khetan@causeofaction.org



Reed D. Rubinstein, Esq.
William A. Sherman, II, Esq.
Dinsmore & Shohl, LLP
801 Pennsylvania Ave., NW Suite 610
Washington, DC 20004
Phone: (202) 372-9100
Facsimile: (202) 372-9141
Email: reed.rubinstein@dinsmore.com

Counsel for Respondent, LabMD, Inc.

EXHIBIT 1

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Edith Ramirez, Chairwoman**
 Maureen K. Ohlhausen
 Joshua D. Wright
 Terrell McSweeney

_____)	
In the Matter of)	PUBLIC
)	
LabMD, Inc., a corporation)	Docket No. 9357
Respondent.)	
_____)	

**RESPONDENT LABMD, INC.'S NOTICE OF SUPPLEMENTAL
AUTHORITY IN SUPPORT OF LABMD'S MOTION TO DISQUALIFY
COMMISSIONER EDITH RAMIREZ**

Respondent LabMD, Inc. ("LabMD") filed a Motion to Disqualify Commissioner Edith Ramirez (the "Motion") on the ground that she has been irrevocably tainted by her integral involvement in the Federal Trade Commission's ("FTC") response to a Congressional investigation by the House Committee on Oversight and Government Reform ("OGR") into the conduct of FTC and Tiversa, Inc. in the instant proceedings.

The records attached hereto as Exhibit A are internal FTC communications which bear directly on LabMD's argument that Commissioner Ramirez's repeated and deep involvement in responding to Congressional inquiries regarding her own agency and its association with Tiversa, Inc., and its CEO Robert Boback, upon which FTC had built its case against LabMD. *See* Exhibit A, COA Bates # 001-022. For example, and leaving no doubt as to her involvement, on December 15, 2014, Chairwoman Ramirez told her Chief of Staff Heather Hipplesley that she had personally revised FTC's response to Chairman Issa's December 1, 2014 letter. *See id.*, at COA Bates # 017. Publicly, however, the next day, Donald Clark (Secretary of the Commission) told

Chairman Issa that his December 1, 2014 letter “had not been shared” with Chairwoman Ramirez. *See id.*, at COA Bates # 002.

Indeed, the LabMD matter is ongoing, and Chairwoman Ramirez will be called on as an ultimate decisionmaker in the case, so her decision to direct FTC strategy in responding to Chairman Issa renders her irrevocably tainted and unable to objectively view this case. See Motion to Disqualify, at 7-9.

CONCLUSION

For these reasons, and those previously raised, LabMD respectfully requests that Chairwoman Ramirez disqualify herself and abstain from any further participation in this matter.

Dated: May 15, 2015

Respectfully submitted,



Daniel Z. Epstein, Esq.
Prashant K. Khetan, Esq.
Patrick J. Massari, Esq.
Erica L. Marshall, Esq.
Cause of Action
1919 Pennsylvania Ave., NW Suite 650
Washington, DC 20006
Phone: (202) 499-4232
Facsimile: (202) 330-5842
Email: prashant.khetan@causeofaction.org



Reed D. Rubinstein, Esq.
William A. Sherman, II, Esq.
Dinsmore & Shohl, LLP
801 Pennsylvania Ave., NW Suite 610
Washington, DC 20004
Phone: (202) 372-9100
Facsimile: (202) 372-9141
Email: reed.rubinstein@dinsmore.com

Counsel for Respondent, LabMD, Inc.

ATTACHMENT A

Kelly, Andrea

From: VanDruff, Laura Riposo
Sent: Thursday, December 18, 2014 11:26 AM
To: OAU
Cc: reed.rubinstein@dinsmore.com; William A. Sherman II
(william.sherman@dinsmore.com); prashant.khetan@causeofaction.org
Subject: FTC Docket No. 9357 -- letter from Secretary Clark
Attachments: 2014.12.16 Letter from D. Clark to Chairman Issa.pdf

Dear Chief Administrative Law Judge Chappell:

Complaint Counsel has learned that the Secretary of the Commission, Donald Clark, transmitted the attached letter to Chairman Darrell Issa.

Respectfully Submitted,

Laura Riposo VanDruff
Complaint Counsel

Laura Riposo VanDruff
Federal Trade Commission
Division of Privacy and Identity Protection
600 Pennsylvania Avenue, N.W., CC-8232
Washington, DC 20580
202.326.2999 (direct)
202.326.3393 (facsimile)
lvandruff@ftc.gov



Office of the Secretary

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

December 16, 2014

The Honorable Darrell Issa
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Issa:

Please know that because the matter of LabMD, Inc is still in administrative adjudication, your letter of December 1, 2014 has not been shared with the Chairwoman or the Commissioners. However, Chairwoman Ramirez has asked me to write and thank you on her behalf. Please also know, that after advising your Committee staff, the FTC's Complaint Counsel shared your letter with the Administrative Law Judge in the LabMD, Inc. matter, and with counsel for LabMD and Tiversa. Thank you again for sharing your findings.

Sincerely,

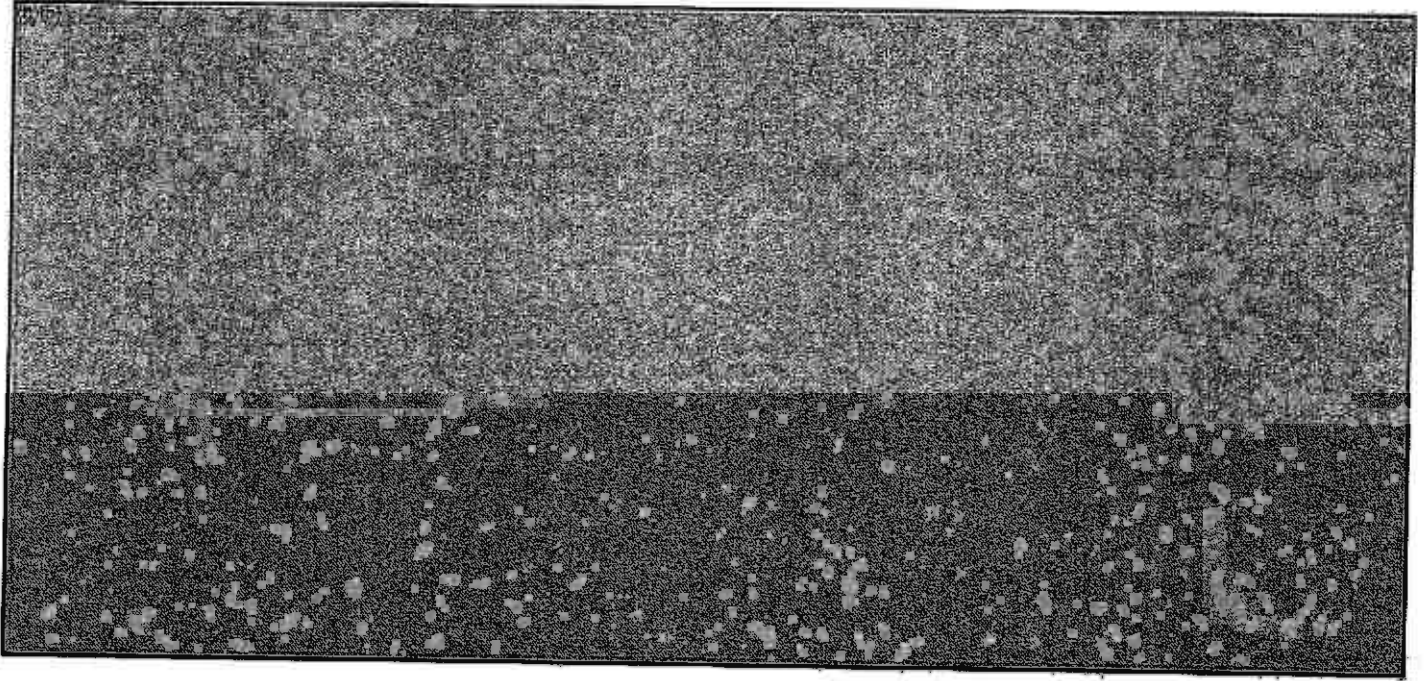
A handwritten signature in black ink that reads "Donald S. Clark".

Donald S. Clark
Secretary of the Commission

Kelly, Andrea

From: VanDruff, Laura Riposo
Sent: Tuesday, December 02, 2014 10:15 AM
To: Shonka, David C.
Cc: Bumpus, Jeanne; Vandecar, Kim; White, Christian S.; Schoshinski, Robert
Subject: In re LabMD (No. 9357) — (b)(5)

Good morning, Dave.



Best regards,

Laura

Laura Riposo VanDruff
Federal Trade Commission
Assistant Director, Division of Privacy and Identity Protection
600 Pennsylvania Avenue, N.W., CC-8231
Washington, DC 20580
202.326.2999 (direct)
202.326.3393 (facsimile)
lvandruff@ftc.gov

Kelly, Andrea

From: VanDruff, Laura Riposo
Sent: Friday, January 02, 2015 4:53 PM
To: Vandecar, Kiri
Subject: filed brief
Attachments: 2015.01.02 Complaint Counsel's Opposition to Respondent's Motion to Admit RX-543-RX-548.pdf

Laura Riposo-VanDruff
Federal Trade Commission
Assistant Director, Division of Privacy and Identity Protection
600 Pennsylvania Avenue, N.W., CC-8232
Washington, DC 20580
202.326.2999 (direct)
202.326.3393 (facsimile)
lvandruff@ftc.gov

Kelly, Andrea

From: Bumpus, Jeanne
Sent: Tuesday, December 16, 2014 11:43 AM
To: VanDruff, Laura Riposo
Subject: FW: Response to Chairman Issa
Attachments: 14.12.16 Letter to Chairman Issa.pdf

Hi Laura,

Attached please find the response we just sent to Chairman Issa's letter of December 1.

Jeanne



Office of the Secretary

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

December 16, 2014

The Honorable Darrell Issa
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Issa:

Please know that because the matter of LabMD, Inc is still in administrative adjudication, your letter of December 1, 2014 has not been shared with the Chairwoman or the Commissioners. However, Chairwoman Ramirez has asked me to write and thank you on her behalf. Please also know, that after advising your Committee staff, the FTC's Complaint Counsel shared your letter with the Administrative Law Judge in the LabMD, Inc. matter, and with counsel for LabMD and Tiversa. Thank you again for sharing your findings.

Sincerely,

A handwritten signature in black ink that reads "Donald S. Clark".

Donald S. Clark
Secretary of the Commission

Kelly, Andrea

From: VanDruff, Laura Riposo
Sent: Tuesday, December 16, 2014 11:44 AM
To: Bumpus, Jeanne
Subject: RE: Response to Chairman Issa

Thank you, Jeanne.

Laura

From: Bumpus, Jeanne
Sent: Tuesday, December 16, 2014 11:43 AM
To: VanDruff, Laura Riposo
Subject: FW: Response to Chairman Issa

Hi Laura,

Attached please find the response we just sent to Chairman Issa's letter of December 1.

Jeanne

Kelly, Andrea

From: Vandecar, Kim
Sent: Monday, December 01, 2014 1:11 PM
To: VanDruff, Laura Riposo
Cc: Bumpus, Jeanne
Subject: FW: Letter from Chairman Issa
Attachments: 2014-12-01 DEI to Ramirez-FTC - Tiversa Documents w Attachments.pdf

From: Barblan, Jennifer [mailto:Jennifer.Barblan@mail.house.gov]
Sent: Monday, December 01, 2014 1:05 PM
To: Bumpus, Jeanne; Vandecar, Kim
Cc: Grimm, Tyler
Subject: Letter from Chairman Issa

Jeanne and Kim --

I hope you both had a nice Thanksgiving. Attached please find a letter from Chairman Issa, accompanied by documents discussed within the letter that appear to have been produced by Tiversa to the Committee but not to the FTC. Please also send this to Laura VanDruff, who is cc'd on the letter as Complaint Counsel for the FTC.

Feel free to call Tyler or me if you have any questions.

Thanks,
Jen

Jennifer Barblan
Senior Counsel
Committee on Oversight and Government Reform
Rep. Darrell E. Issa, Chairman
(202) 225-5074
jennifer.barblan@mail.house.gov

Kelly, Andrea

From: Vandecar, Kim
Sent: Monday, December 01, 2014 1:08 PM
To: 'Barblan, Jennifer'; Bumpus, Jeanne
Cc: Grimm, Tyler
Subject: RE: Letter from Chairman Issa

Thank you Jen. We will make sure it gets to the Chairwoman and Ms. VanDruff.

From: Barblan, Jennifer [<mailto:Jennifer.Barblan@mail.house.gov>]
Sent: Monday, December 01, 2014 1:05 PM
To: Bumpus, Jeanne; Vandecar, Kim
Cc: Grimm, Tyler
Subject: Letter from Chairman Issa

Jeanne and Kim -

I hope you both had a nice Thanksgiving. Attached please find a letter from Chairman Issa, accompanied by documents discussed within the letter that appear to have been produced by Tiversa to the Committee but not to the FTC. Please also send this to Laura VanDruff, who is cc'd on the letter as Complaint Counsel for the FTC.

Feel free to call Tyler or me if you have any questions.

Thanks,
Jen

Jennifer Barblan
Senior Counsel
Committee on Oversight and Government Reform
Rep. Darrell E. Issa, Chairman
(202) 225-5074
jennifer.Barblan@mail.house.gov

Kelly, Andrea

From: Barblan, Jennifer <Jennifer.Barblan@mail.house.gov>
Sent: Wednesday, December 17, 2014 3:10 PM
To: Bumpus, Jeanne
Cc: Grimm, Tyler
Subject: RE: Response to Chairman Issa

Thanks Jeanne.

From: Bumpus, Jeanne [mailto:JBumpus@ftc.gov]
Sent: Tuesday, December 16, 2014 11:39 AM
To: Barblan, Jennifer; Grimm, Tyler; Reavis, Brandon; Berroya, Meghan; Lynch, Tim
Cc: Vandecar, Kim
Subject: Response to Chairman Issa

Jen and Tyler,

Attached please find the response to Chairman Issa's letter of December 1, 2014. Thank you..

Jeanne

Jeanne Bumpus
Office of Congressional Relations
Federal Trade Commission
(202) 326-2946



Office of the Secretary

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

December 16, 2014

The Honorable Darrell Issa
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Issa:

Please know that because the matter of LabMD, Inc is still in administrative adjudication, your letter of December 1, 2014 has not been shared with the Chairwoman or the Commissioners. However, Chairwoman Ramirez has asked me to write and thank you on her behalf. Please also know, that after advising your Committee staff, the FTC's Complaint Counsel shared your letter with the Administrative Law Judge in the LabMD, Inc. matter, and with counsel for LabMD and Tiversa. Thank you again for sharing your findings.

Sincerely,

A handwritten signature in black ink that reads "Donald S. Clark".

Donald S. Clark
Secretary of the Commission

Kelly, Andrea

From: Bumpus, Jeanne
Sent: Wednesday, December 03, 2014 10:53 AM
To: Shonka, David C.; Vandecar, Kim
Subject: Draft reply to Chairman Issa
Attachments: Response123.docx

Dave and Kim,

Heather asked me to work with Don on a reply to Chairman Issa. Please let me know if you have any edits to the attached draft.

Jeanne

Kelly, Andrea

From: Bumpus, Jeanne
Sent: Tuesday, December 02, 2014 3:42 PM
To: Clark, Donald S.
Cc: Vandecar, Kim
Subject: RE: Letter from Chairman Issa

Thanks Don.

From: Clark, Donald S.
Sent: Tuesday, December 02, 2014 3:28 PM
To: Bumpus, Jeanne
Cc: Vandecar, Kim
Subject: RE: Letter from Chairman Issa

Jeanne, thanks:

Don

From: Bumpus, Jeanne
Sent: Tuesday, December 02, 2014 2:49 PM
To: Clark, Donald S.
Cc: Vandecar, Kim
Subject: FW: Letter from Chairman Issa

Don,

Attached is the letter from Chairman Issa we discussed this morning. It has already been shared with Laura Van Druff.

Jeanne

From: Barblian, Jennifer [<mailto:Jennifer.Barblan@mail.house.gov>]
Sent: Monday, December 01, 2014 1:05 PM
To: Bumpus, Jeanne; Vandecar, Kim
Cc: Grimm, Tyler
Subject: Letter from Chairman Issa

Jeanne and Kim -

I hope you both had a nice Thanksgiving. Attached please find a letter from Chairman Issa, accompanied by documents discussed within the letter that appear to have been produced by Tiversa to the Committee but not to the FTC. Please also send this to Laura VanDruff, who is cc'd on the letter as Complaint Counsel for the FTC.

Feel free to call Tyler or me if you have any questions.

Thanks,
Jen

Jennifer Barblian

Senior Counsel
Committee on Oversight and Government Reform
Rep. Darrell E. Issa, Chairman
(202) 225-5074
jennifer.Barblan@mail.house.gov

Kelly, Andrea

From: Clark, Donald S.
Sent: Friday, December 19, 2014 4:50 PM
To: [REDACTED]
Cc: Taylor, Susan; Helisek, Emalea R. CTR
Subject: Copy of Response To Chairman Issa
Attachments: SP60252_KMC14122002420.pdf

[REDACTED] as we discussed, here's a copy of the response to Chairman Issa for your files. Both sides in the LabMD case and the Administrative Law Judge have now been given copies of the incoming letter, so there is no longer an ex parte contact issue; Sue and Emalea therefore will now scan the incoming letter and this response into DocSmart (but not circulate it to anyone else). Thanks for your call!

Don



UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

Office of the Secretary

December 16, 2014

The Honorable Darrell Issa
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Issa:

Please know that because the matter of LabMD, Inc is still in administrative adjudication, your letter of December 1, 2014 has not been shared with the Chairwoman or the Commissioners. However, Chairwoman Ramirez has asked me to write and thank you on her behalf. Please also know, that after advising your Committee staff, the FTC's Complaint Counsel shared your letter with the Administrative Law Judge in the LabMD, Inc. matter, and with counsel for LabMD and Tiversa. Thank you again for sharing your findings.

Sincerely,

A handwritten signature in black ink that reads "Donald S. Clark".

Donald S. Clark
Secretary of the Commission

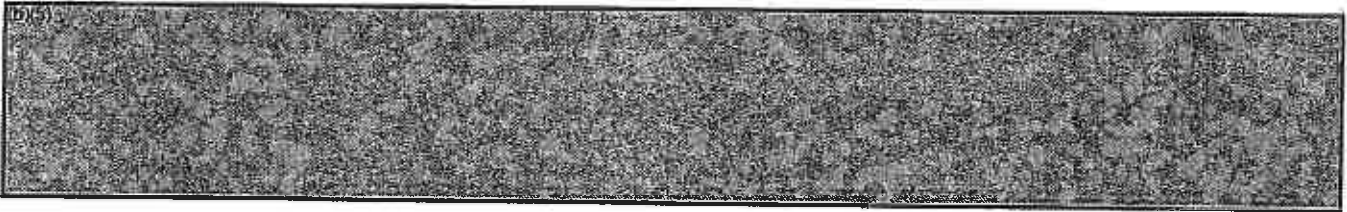
Kelly, Andrea

From: Hipsley, Heather
Sent: Monday, December 15, 2014 5:19 PM
To: Ramirez, Edith
Subject: RE: Response129.docx

Great; thanks, H.

From: Ramirez, Edith
Sent: Monday, December 15, 2014 4:55 PM
To: Hipsley, Heather
Subject: Re: Response129.docx

Heather, I've made a couple of small changes. The revised text is below.



From: Hipsley, Heather
Sent: Monday, December 15, 2014 04:10 PM
To: Ramirez, Edith
Subject: FW: Response129.docx

Hi Edith, I forgot that we haven't cleared this letter yet to go from Don back to Issa. Here's the text:



From: Hipsley, Heather
Sent: Wednesday, December 10, 2014 5:38 PM
To: Ramirez, Edith
Subject: Response129.docx

I've edited the response letter to Issa a bit; Jeanne had forgotten to send it our way so just got this afternoon. H.

Kelly, Andrea

From: Taylor, Susan
Sent: Friday, December 19, 2014 4:43 PM
To: Clark, Donald S.
Subject: Darrell Issa/LabMD
Attachments: SP60252_KMC14122002420.pdf



Office of the Secretary

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

December 16, 2014

The Honorable Darrell Issa
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Issa:

Please know that because the matter of LabMD, Inc is still in administrative adjudication, your letter of December 1, 2014 has not been shared with the Chairwoman or the Commissioners. However, Chairwoman Ramirez has asked me to write and thank you on her behalf. Please also know, that after advising your Committee staff, the FTC's Complaint Counsel shared your letter with the Administrative Law Judge in the LabMD, Inc. matter, and with counsel for LabMD and Tiversa. Thank you again for sharing your findings.

Sincerely,

A handwritten signature in black ink that reads "Donald S. Clark".

Donald S. Clark
Secretary of the Commission

Kelly, Andrea

From: Clark, Donald S.
Sent: Wednesday, January 21, 2015 12:54 PM
To: Goins, Suzie S.
Subject: RE: FYI - Issa letter

Tracking:	Recipient	Delivery	Read
	Goins, Suzie S.	Delivered: 1/21/2015 12:54 PM	Read: 1/21/2015 12:55 PM

Suzie, that's great; thanks!

Don

From: Goins, Suzie S.
Sent: Wednesday, January 21, 2015 12:40 PM
To: Clark, Donald S.
Subject: FYI - Issa letter

Hi Don,

FYI - the Issa request is complete and I reported it two weeks ago on the Committee report.

Thank you,
Suzie

Kelly, Andrea

From: Clark, Donald S.
Sent: Monday, December 15, 2014 6:28 PM
To: Bumpus, Jeanne
Subject: RE: Slightly Revised Draft Response To Chairman Issa

Tracking:	Recipient	Delivery
	Bumpus, Jeanne	Delivered: 12/15/2014 6:28 PM

OK, will do; thanks!

Don

From: Bumpus, Jeanne
Sent: Monday, December 15, 2014 6:27 PM
To: Clark, Donald S.
Subject: RE: Slightly Revised Draft Response To Chairman Issa

Don, (b)(5) Thanks.

From: Clark, Donald S.
Sent: Monday, December 15, 2014 6:20 PM
To: Bumpus, Jeanne
Subject: Slightly Revised Draft Response To Chairman Issa

Jeanne, I've attached a slightly revised version of the above response for your review (b)(5)
(b)(5) Thanks!

Don

Kelly, Andrea

From: Clark, Donald S.
Sent: Wednesday, January 21, 2015 12:56 PM
To: Taylor, Susan; Helisek, Emalea R. CTR
Cc: Goins, Suzie S.
Subject: Request To Move the Issa Letter to the Completed Section of the Weekly Report

Tracking:	Recipient	Delivery	Read
	Taylor, Susan	Delivered: 1/21/2015 12:56 PM	Read: 1/21/2015 1:03 PM
	Helisek, Emalea R. CTR	Delivered: 1/21/2015 12:56 PM	
	Goins, Suzie S.	Delivered: 1/21/2015 12:56 PM	Read: 1/21/2015 12:56 PM

Sue and Emalea, per Suzie's message, please move the above letter to the completed section of the weekly report; thanks!

..... Don

From: Goins, Suzie S.
Sent: Wednesday, January 21, 2015 12:40 PM
To: Clark, Donald S.
Subject: FYI - Issa letter

Hi Don,

FYI – the Issa request is complete and I reported it two weeks ago on the Committee report.

Thank you,
Suzie

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Edith Ramirez, Chairwoman**
 Maureen K. Ohlhausen
 Joshua D. Wright
 Terrell McSweeney

In the Matter of)	PUBLIC
LabMD, Inc., a corporation)	Docket No. 9357
Respondent.)	

MEET AND CONFER STATEMENT

On May 15, 2015, Prashant Khetan, counsel for Respondent, LabMD, Inc. ("LabMD"), met and conferred by telephone with Laura VanDruff, Complaint Counsel, regarding the subject of the instant Motion for Leave to File a Notice of Supplemental Authority In Support of LabMD's Motion to Disqualify Commissioner Edith Ramirez. Complaint Counsel did not consent to the Motion.

Dated: May 15, 2015

By: /s/ Prashant K. Khetan
 Prashant K. Khetan

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Edith Ramirez, Chairwoman**
 Maureen K. Ohlhausen
 Joshua D. Wright
 Terrell McSweeney

In the Matter of)	PUBLIC
)	
LabMD, Inc., a corporation)	Docket No. 9357
Respondent.)	
)	

PROPOSED ORDER

IT IS HEREBY ORDERED that Respondent LabMD, Inc.'s Motion for Leave to File a Notice of Supplemental Authority In Support of LabMD's Motion to Disqualify Commissioner Edith Ramirez, be and the same is hereby **GRANTED**, and it is further

ORDERED that LabMD Inc.'s Notice of Supplemental Authority shall be filed as part of the Record.

Commissioner

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2015, I caused to be filed the foregoing document electronically through the Office of the Secretary's FTC E-filing system, which will send an electronic notification of such filing to the Office of the Secretary:

Donald S. Clark, Esq.
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580

I also certify that on May 15, 2015, I caused hand-delivery of twelve paper copies of the foregoing document to the following address: Document Processing Unit, RFO Receiving Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610, Washington, DC 20024.

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

The Honorable D. Michael Chappell
Chief 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:

Alain Sheer, Esq.
Laura Riposo VanDruff, Esq.
Megan Cox, Esq.
Ryan Mehm, Esq.
John Krebs, Esq.
Jarad Brown, Esq.
Division of Privacy and Identity Protection
Federal Trade Commission
600 Pennsylvania Ave., N.W.
Room CC-8232
Washington, D.C. 20580

Dated: May 15, 2015

By: /s/ Patrick J. Massari

CERTIFICATE OF 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.

Dated: May 15, 2015

By: /s/ Patrick J. Massari