

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



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

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

**JOINT MOTION TO EXTEND DEADLINES FOR COMPLAINT
COUNSEL’S APPEAL BRIEF AND RESPONDENT’S ANSWERING BRIEF**

Pursuant to Rules 3.22 and 3.52, 16 C.F.R. §§ 3.22 and 3.52, Complaint Counsel and Respondent LabMD, Inc. hereby move the Commission for an Order extending the deadlines by which Complaint Counsel’s Appeal Brief and Respondent’s Answering Brief, respectively, are due to be filed. The parties respectfully request that the Commission order that Complaint Counsel’s Appeal Brief be due on Wednesday, December 23, 2015 and that Respondent’s Answering Brief be due on Friday, February 5, 2016. Additionally, Complaint Counsel and Respondent LabMD, Inc. hereby further request that the Commission order that any permitted Cross-Appeal Briefs filed by the parties be due on Wednesday, December 23, 2015, and any permitted Answering Briefs be due on Friday, February 5, 2015.

On Friday, November 13, 2015, the Honorable D. Michael Chappell issued an Initial Decision and Order (“ALJ Order”) in the above-captioned action. The Office of the Secretary effected service of the ALJ Order on Wednesday, November 18, 2015. Complaint Counsel is today filing its Notice of Appeal.

Absent an Order of the Commission extending the deadlines for appellate briefing,

Complaint Counsel's Appeal Brief would be due on Tuesday, December 15, 2015, interfering with Complaint Counsel's long-standing commitments related to the Thanksgiving holiday. Similarly, absent an Order of the Commission extending the deadlines for appellate briefing, Respondent's Answering Brief would be due on January 14, 2016, interfering with Respondent counsel's long-standing commitments related to the Christmas and winter holidays. The parties are not requesting an extension of the deadline by which a Reply Brief would be due to be filed pursuant to Rule 3.52(b)(2), 16 C.F.R. § 3.52(b)(2).

The relief requested herein is for good cause and will not result in undue delay in the adjudication of this case. The enlargements of time required for the filing of the parties' appellate briefing are necessitated by the parties' attorneys' holiday commitments. No other enlargements of time related to the appeal have been requested.

Accordingly, Complaint Counsel and Respondent respectfully request that the Court grant their Joint Motion and issue an Order setting the deadlines for Complaint Counsel's Appeal Brief as Wednesday, December 23, 2015 and Respondent's Answering Brief as Friday, February 5, 2016. Additionally, Complaint Counsel and Respondent LabMD, Inc. hereby further request that the Commission order that any permitted Cross-Appeal Briefs filed by the parties be due on Wednesday, December 23, 2015, and any permitted Answering Briefs be due on Friday, February 5, 2016.

Dated: November 24, 2015

Respectfully submitted,

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Complaint Counsel

Counsel for Respondent LabMD, Inc.

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

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

**[PROPOSED] ORDER GRANTING JOINT MOTION TO
EXTEND DEADLINES FOR COMPLAINT COUNSEL’S APPEAL BRIEF AND
RESPONDENT’S ANSWERING BRIEF**

Upon consideration of the parties’ Joint Motion to Extend Deadlines for Complaint Counsel’s Appeal Brief and Respondent’s Answering Brief,

IT IS ORDERED that the deadline for Complaint Counsel to file its Appeal Brief is Wednesday, December 23, 2015, and the deadline for Respondent to file its Answering Brief is Friday, February 5, 2016, and it is further

ORDERED that any permitted Cross-Appeal Briefs filed by the parties be due on Wednesday, December 23, 2015, and any permitted Answering Briefs be due on Friday, February 5, 2015.

By the Commission, Commissioner Brill not participating.

Donald S. Clark
Secretary

CERTIFICATE OF SERVICE

I hereby certify that on November 24, 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:

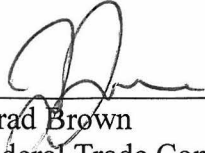
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CERTIFICATE FOR ELECTRONIC FILING

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.

November 24, 2015

By: 
Jarad Brown
Federal Trade Commission
Bureau of Consumer Protection