

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



In the Matter of

Axon Enterprise, Inc.,
a corporation,

And

Safariland, LLC,
a corporation.

PUBLIC

The Honorable D. Michael Chappell

Docket No. D9389

**DIGITAL ALLY, INC.'S MOTION FOR EXTENSION
OF TIME TO MOVE TO LIMIT OR QUASH SUBPOENAS *DUCES TECUM***

Non-party, Digital Ally, Inc. ("Digital Ally") files this Motion for Extension of Time to Move to Limit or Quash two Subpoena *Duces Tecum* (the "Motion") received by Digital Ally, one from Axon Enterprises, Inc. ("Axon") on February 12, 2020, and the second from Complaint's Counsel on or about February 14, 2020 (collectively, the "Subpoenas").

Digital Ally has not previously received an extension of time to move to limit or quash the Subpoenas.

Digital Ally is submitting this Motion in order for negotiations regarding the scope and burden of the Subpoena to be explored between Digital Ally and the respective issuers, Axon and Complaint's Counsel.

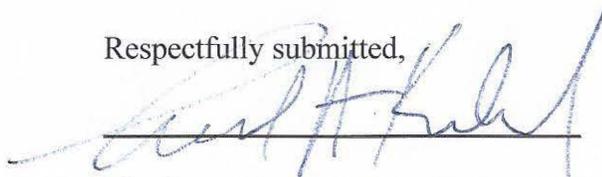
Accordingly, Digital Ally respectfully requests that this Motion be granted and that Digital Ally have an additional period of time, up to and including March 9, 2020, in which to move to quash or limit each, or any of, the Subpoenas.

Undersigned counsel represents that she has conferred with Axon's counsel regarding their Subpoena and this Motion, and that Axon does not object to the proposed extension of time, understanding that such an extension will permit the parties to move the productions forward more expeditiously. Undersigned counsel represents that she has further conferred with Complaint Counsel regarding its Subpoena and this Motion, and that Complaint Counsel "takes no position on the motion but believes it is unnecessary because Complaint Counsel is willing to agree that it will not argue Digital Ally has waived any objections it asserts within five days of reaching an impasse in our negotiations." However, Digital Ally has informed Complaint Counsel that five (5) days is an insufficient amount of time for non-party Digital Ally to research and draft a Motion to Limit or Quash and gather supporting law, affidavits and evidence, should such a motion become necessary. Granting this Motion will permit Digital Ally and its counsel to devote their efforts to negotiating agreeable productions and schedules pursuant to the Subpoenas, rather than on preparing motions to quash that may not be necessary if such negotiations are successful.

WHEREFORE, for good cause shown, Digital Ally moves the Commission to formally grant the requested extension of time, up to, and including, March 9, 2020, in which to file a Motion to Limit or Quash Subpoenas *Duces Tecum*, should such a filing become necessary.

Date: February 21, 2020

Respectfully submitted,



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PUBLIC

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Docket No. D9389

**[PROPOSED] ORDER GRANTING MOTION OF NON-PARTY
DIGITAL ALLY, INC. FOR EXTENSION OF TIME TO RESPOND TO
SUBPOENAS *DUCES TECUM***

On February 21, 2020, non-party Digital Ally, Inc. (“Digital Ally”) submitted a motion for extension of time to move to quash or limit the Subpoenas *Duces Tecum* received from Respondent Axon Enterprise, Inc. (“Axon”) on February 12, 2020, and Complaint Counsel on or about February 14, 2020 (the “Subpoenas”).

Digital Ally states that it requires additional time in order for negotiations regarding the scope and burden of the Subpoenas to be explored between Digital Ally and the respective issuers, Axon and Complaint’s Counsel.

Digital Ally requests an extension until March 9, 2020 to move to quash or limit the Subpoenas, or either of them. Digital Ally states that Axon's counsel have agreed to the extension and that Complaint Counsel takes no position on the matter.

Based on the foregoing, Digital Ally's Motion for Extension of Time to File Motions to Quash or Limit Subpoenas *Duces Tecum* is GRANTED, and it is hereby ORDERED that Digital Ally shall have, up to and including, March 9, 2020, in which to file such motions to quash or limit the Subpoenas.

ORDERED:

The Honorable D. Michael Chappell,
Chief Administrative Law Judge

Date: _____, 2020

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Docket No. D9389

**PROOF OF SERVICE OF PUBLIC FILING AND CERTIFICATION
PURSUANT TO 16 C.F.R. § 4.2**

I hereby certify that on February 21, 2020, I served a copy of Digital Ally, Inc.'s Motion for Extension of Time to Move to Limit or Quash Subpoenas *Duces Tecum*, a Proposed Order Granting said Motion, and this Proof of Service by FedEx Overnight delivery to the following:

April Tabor
Acting Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-I 13 Washington, DC 20580
(original and two copies)

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

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

April Tabor
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Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-I 13 Washington, DC 20580
Email: secretary@ftc.gov

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
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Counsel for Respondent Safariland, LLC

Dated: February 21, 2020



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Attorney for Digital Ally, Inc.

Notice of Electronic Service

I hereby certify that on March 02, 2020, I filed an electronic copy of the foregoing Digital Ally Incs Motion for Extension of Time to Move to Limit or Quash Subpoenas Duces Tecum, with:

D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., NW
Suite 110
Washington, DC, 20580

Donald Clark
600 Pennsylvania Ave., NW
Suite 172
Washington, DC, 20580

I hereby certify that on March 02, 2020, I served via E-Service an electronic copy of the foregoing Digital Ally Incs Motion for Extension of Time to Move to Limit or Quash Subpoenas Duces Tecum, upon:

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