

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



ORIGINAL

\_\_\_\_\_  
In the Matter of )  
 )  
Axon Enterprise, Inc. )  
a corporation, )  
 )  
and )  
 )  
Safariland, LLC, )  
a partnership, )  
 )  
Respondents. )  
\_\_\_\_\_

Docket No. 9389

**ORDER GRANTING MOTION FOR EXTENSION OF TIME  
TO FILE MOTION TO QUASH SUBPOENA**

On March 2, 2020, nonparty Digital Ally, Inc. (“Digital Ally”) filed a Motion for Extension of Time to Move to Limit or Quash two Subpoenas *Duces Tecum* (“Motion”) received by Digital Ally, one from Respondent Axon Enterprises, Inc. (“Axon”) on February 12, 2020, and the second from Federal Trade Commission (“FTC”) Complaint Counsel on or about February 14, 2020.

Under FTC Rule of Practice 3.34(c), any motion to limit or quash a subpoena must be filed within 10 days of receipt of the subpoena. 16 C.F.R. § 3.34(c). Digital Ally states that it seeks an extension until March 9, 2020, in order to enable Digital Ally to negotiate with Axon and with Complaint Counsel regarding the scope and asserted burden of the respective subpoenas. Digital Ally argues that an extension will permit Digital Ally and its counsel to devote their efforts to negotiating an agreed scope and production schedule in response to the subpoenas, rather than to preparing motions to quash that may not be necessary if such negotiations are successful. Digital Ally represents, based on meeting and conferring with Axon and with Complaint Counsel, that Axon does not oppose the Motion and that Complaint Counsel “takes no position” on the Motion.

FTC Rule 4.3(b) authorizes the Administrative Law Judge, except in circumstances not here presented, to extend any time limit prescribed by the rules “[f]or good cause shown.” 16 C.F.R. § 4.3(b). Based on the representations in the Motion, Digital Ally has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is hereby

ORDERED that Digital Ally's deadline for filing any motion to limit or quash the subpoenas pursuant to Rule 3.34(c) is extended until March 9, 2020.

ORDERED:

*Dm Chappell*  
D. Michael Chappell  
Chief Administrative Law Judge

Date: March 2, 2020