

PUBLIC

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

In the Matter of

HEALTH RESEARCH LABORATORIES, LLC,
a limited liability company,

WHOLE BODY SUPPLEMENTS, LLC,
a limited liability company, and

KRAMER DUHON,
individually and as an officer of HEALTH
RESEARCH LABORATORIES, LLC and
WHOLE BODY SUPPLEMENTS, LLC

DOCKET NO. 9397

RESPONDENTS' STIPULATION AS TO "FENCING-IN" RELIEF

In the Court's April 6, 2021 Order Granting Complaint Counsel's Motions to Compel, the Administrative Law Judge ("ALJ") noted that the discovery may be relevant to "fencing-in" relief and that "a common form of 'fencing-in' relief is a 'multiproduct' prohibition that bars the respondent from using its deceptive trade practice to sell not only the product that was the subject of the enforcement action, but all products sold by the respondent."¹ Respondents hereby stipulate and agree that the Initial Decision of the ALJ can include whatever "fencing in" relief is permitted by statute and requested in the

¹ Order, p. 3, fn 2 (quoting *In re ECM BioFilms, Inc.*, 2015 FTC LEXIS 22, at *629-30 (Jan. 28, 2015)).

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Complaint.²

Dated: April 13, 2021

Respectfully submitted,

REESE MARKETOS LLP

By: /s/ Joel W. Reese

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ATTORNEYS FOR RESPONDENTS

CERTIFICATE OF CONFERENCE

I hereby certify that on April 12, 2021, I spoke with Compliant Counsel regarding an agreement on fencing in relief and agreed to provide whatever fencing in relief was permissible by law based on the Complaint. Complaint Counsel advised me that they did not agree to fencing in relief.

/s/ Joel W. Reese
Joel W. Reese

² This stipulation relates to the “remedy” provided by the FTC Act, not any findings of fact. Of course, the remedy must be “reasonably related” to the unlawful acts which form the basis of the order. *See In the Matter of Mutual Construction Co., Inc.*, 87 F.T.C. 621, 1976 WL 180691 (March 30, 1976). Respondents do not interpret “fencing in” relief to refer to any findings of fact.

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CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2021, I filed the foregoing document electronically using the FTC's E-Filing system, which will send notification to:

April J. Tabor
Acting Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
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The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
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/s/ Joel W. Reese

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