

ORIGINAL

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION

In the Matter of

1-800 Contacts, Inc.,  
a corporation,

DOCKET NO. 9372

Respondent.

**ORDER DENYING RESPONDENT'S MOTION TO COMPEL  
COMPLAINT COUNSEL TO ANSWER  
RESPONDENT'S INTERROGATORIES NOS. 10 AND 11**

**I.**

On November 30, 2016, Respondent 1-800 Contacts, Inc. ("Respondent") filed a Motion to Compel Complaint Counsel to Answer Respondent's Interrogatories Nos. 10 and 11 ("Motion"). On December 7, 2016, Federal Trade Commission ("FTC") Complaint Counsel filed an Opposition to the Motion ("Opposition"). For the reasons set forth below, Respondent's Motion is DENIED.

**II.**

According to the Motion, Respondent served Complaint Counsel with its First Set of Interrogatories on September 9, 2016.

Interrogatory Number 10 and 11  
[REDACTED]

Complaint Counsel provided its Objections and Responses to Respondent's First Set of Interrogatories on October 11, 2016, objecting that the Interrogatories seek information that is already in Respondent's possession or control, or is a matter of public record; seek information that is not in possession, custody, or control of Complaint Counsel, and is beyond the scope of information that Complaint Counsel is required to provide pursuant to Rule 2.016(1)(2).

[REDACTED]

III.

FTC Rule 3.31(c)(2)(i) sets forth that discovery may be limited where "[t]he discovery sought from a party is that which is not relevant to the party's case."

[REDACTED]

<sup>1</sup> Although Respondent asserts that this is essentially an admission by Complaint Counsel that it has no support for the Complaint's relevant market and market share allegations, whether or not Complaint Counsel can ultimately prove the allegations of the Complaint is not the issue.

[REDACTED]