

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



ORIGINAL

COMMISSIONERS: Edith Ramirez, Chairwoman
Julie Brill
Maureen K. Ohlhausen
Joshua D. Wright

_____)
In the matter of: _____)
_____)
Jerk, LLC, a limited liability company, _____) DOCKET NO. 9361
_____)

Also d/b/a JERK.COM, and _____)
_____)

RESPONDENT JOHN FANNING'S RESPONSE TO _____

Pursuant to Rule 3.32(b), Respondent John Fanning provides the following responses to Complaint Counsel's First Requests for Admissions:

1. Respondents have operated the website Jerk.com.

Denied.

2. Respondents have controlled _____

4. Jerk, LLC has represented P.O. Box 277 Hingham, MA 02043 as a business address.

Admit.

5. John Fanning has represented P.O. Box 277 Hingham, MA 02043 as a business address.

[REDACTED]

Denied.

6. John Fanning hired Harvard Business Services to incorporate Jerk, LLC and serve as Jerk, LLC's registered agent.

12. John Fanning has rented P.O. Box 277, Hingham, MA 02043.

Denied.

12. John Fanning has solicited persons to invest in Jerk, LLC.

Denied.

13. John Fanning has supervised persons working for JerK.com.

Denied.

14. John Fanning has corresponded through the email address support@jerk.com.

Denied.

15. John Fanning has received complaints from consumers regarding JerK.com.

Denied.

16. [REDACTED]

the burden of proof from the FTC to Jerk. Notwithstanding the objection, Respondent Fanning denies.

20. The majority of profiles on Jerk.com have not contained comments about the profiled subject.

Objections: (1) The term “profile” is undefined and ambiguous. (2) This information was readily available to the FTC at Jerk.com and the burden of deriving or ascertaining whether the “majority of profiles on Jerk.com have not contained comments about the profiled subject” is substantially same for the FTC

as for Jerk. (3) This Request for Admission is an improper attempt by the FTC to shift the burden of proof from the FTC to Jerk. Notwithstanding the objection, Respondent Fanning denies.

21. Respondents have created the majority of profiles on Jerk.com.

Objection. The term “created” and “profile” is undefined and ambiguous. Notwithstanding the objection, Respondent Fanning denies.

22. Respondent Fanning denies that

25. Respondents' agent(s) have downloaded names and images of Facebook users by accessing Facebook's application programming interfaces.

Denied.

[REDACTED]

that Respondents' agent(s) obtained from Facebook.

Objection. The term "create" and the term "profile" is undefined and

[REDACTED]

Objection. Whether “Jerk.com...has not displayed any physical address, email address, or telephone number for Jerk.com or Jerk, LLC” is neither relevant to, nor reasonably expected to yield information relevant to, whether Jerk made alleged deceptive representations regarding the “source of Jerk-

[REDACTED]

CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2014, I caused a true and accurate copy of the foregoing document entitled Respondent John Fanning's Responses to Complaint Counsel's First Requests for Admissions to be served electronically through the FTC's e-filing system and I caused a true and accurate copy of the foregoing to be served as follows:

One electronic copy electronic courtesy copy to the Office of the Secretary

Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Ave., N.W., Room H-159
Washington, DC 20580
Email: secretary@ftc.gov

One paper copy and one electronic copy to the Office of the Administrative Law Judge:

The Honorable D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Avenue, N.E., Room H-110
Washington, DC 20580

[REDACTED]

/s/ Peter F. Carr, II
Peter F. Carr, II
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Dated: May 29, 2014