

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF THE ADMINISTRATIVE LAW JUDGES  
Washington, D.C.

571044

In the Matter of

ECM BioFilms, Inc.,  
a corporation, also d/b/a  
Envioplastics International,

Respondent.

Docket No. 9358

PUBLIC

**RESPONDENT ECM BIOFILM'S SUPPLEMENT TO MOTION FOR SANCTIONS, TO  
EXCLUDE COMPLAINT COUNSEL'S REBUTTAL WITNESS, AND FOR LEAVE TO  
INCLUDE SURREBUTTAL REPORT**

Pursuant to Commission Rule 3.22(d) Respondent, ECM BioFilms, Inc. ("ECM")  
hereby respectfully requests that the Court consider one point of clarification in response to

June 30th at 11:46PM Eastern, well after business hours closed.

ECM with the mandatory Rule 3.31A(c) information on the motion.

<sup>2</sup> Thus,

Complaint

3.31A(c) (noting that “each report” shall be accompanied by the “data, materials, or other information considered by the witness in forming the opinions...”).

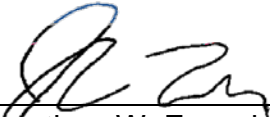
2. Friday, July 4, 2014, was a federal holiday which not count against ECM’s filing deadline when the period for a response is under 7 days 16 C.F.R. § 4.3(a).

3. Under Rule 4.3(a), the calculation for the time period in question begins “with the first business day following that on which the act, event, or development initiating such period of time shall have occurred, which, in this case, is July 1, 2014. 16 C.F.R. § 4.3(a).

4. ECM’s deadline to file its motion for leave under Rules 3.31A(a) and 4.3(a) began from July 2, 2014, and the deadline was therefore July 9, 2014, the date upon which ECM filed its motion (excluding weekends and holidays).

ECM respectfully requests that the Court receive this information in consideration of the motions now pending

Respectfully submitted,

  
Jonathan W. Emord (jemord@emord.com)  
EMORD & ASSOCIATES, P.C.  
11808 Wolf Run Lane  
Clifton, VA 20124  
Telephone: 202-466-6937  
Facsimile: 202-466-6938

DATED: July 21, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that on July 21, 2014, I caused a true and correct copy of the foregoing to be served as follows:

One electronic copy to the Office of the Secretary through the e-filing system:

Donald S. Clark, Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Room H-113  
Washington, DC 20580  
Email: secretary@ftc.gov

One electronic courtesy copy to the Office of the Administrative Law Judge:

The Honorable D. Michael Chappell  
Administrative Law Judge  
600 Pennsylvania Ave., NW, Room H-110  
Washington, DC 20580

One electronic copy to Counsel for Complainant:

Katherine Johnson  
Division of Enforcement  
Bureau of Consumer Protection  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Mail stop M-8102B  
Washington, D.C. 20580

