

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

11 06 2017  
588652

COMMISSIONERS: Maureen K. Ohlhausen, Chairwoman  
Terrell McSweeney



In the Matter of  
1-800 Contacts, Inc  
a corporation,  
  
Respondent.

Docket No. 9372

JOINT MOTION TO EXTEND DEADLINES  
FOR THE PARTIES' APPEAL BRIEFS

I. INTRODUCTION

Pursuant to Rules 3.22 and 3.52, 16 C.F.R. §§ 3.22 and 3.52, Complaint Counsel and Respondent 1-800 Contacts, Inc. ("1-800 Contacts") hereby jointly move the Commission for an Order extending the deadlines by which the parties' respective appeal briefs are due to be filed. In light of the upcoming holidays, and in order to accommodate planned holiday commitments and travel, the parties jointly request that the Commission order the parties to adhere to the following schedule:

Respondent's opening brief to be filed on December 6, 2017;

Complaint Counsel's answering brief to be filed on January 24, 2018;

Respondent's reply brief to be filed on February 9, 2018.





Process In the Matter of RealComp II, Ltd., Docket No. 9320 (December 26, 2007), available at <http://www.ftc.gov/sites/default/files/documents/cases/2017/12/071228order.pdf>

The requested adjustments in the briefing schedule are reasonably short (in one instance, only three calendar days) and will further the interests of justice. The parties therefore respectfully request that the Commission grant this Joint Motion.

Dated: November 6, 2017

Respectfully submitted,

/s/ Steven M. Perry

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In the Matter of  1-800 Contacts, Inc a corporation,  Respondent.	Docket No. 9372
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[PROPOSED] ORDER GRANTING JOINT MOTION TO EXTEND  
DEADLINES FOR FILING BRIEFS ON APPEAL

Complaint Counsel and Respondent have filed a Joint Motion to extend the deadlines to file appeal briefs in this matter. The parties request these extensions due to longstanding holiday commitments that would be impacted in the absence of an extension. Pursuant to Commission Rule 4.30(b), 16 C.F.R. 4.3(b), the Commission has determined, for good cause shown, to grant the Joint Motion. Accordingly,

IT IS ORDERED THAT Respondent's appeal brief must be filed on or before December 6, 2017 and if Respondent files an appeal brief by that date, its appeal from the Initial Decision will be treated as having been perfected in accordance with Commission Rule 3.52(b)(2); and

IT IS FURTHER ORDERED THAT any answering brief must be filed on or before January 24, 2018, and any reply brief must be filed on or before February 2, 2018.

By the Commission

Donald S. Clark  
Secretary

SEAL:

Issued: \_\_\_\_\_

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2017, I filed the JOINT MOTION TO EXTEND DEADLINES FOR THE PARTIES' APPEAL BRIEFS and PROPOSED ORDER GRANTING JOINT MOTION TO EXTEND DEADLINES FOR FILING BRIEFS ON APPEAL using the FTC's eFiling System, which will send notification of such filing to all counsel of record as well as the following:

Donald S. Clark  
Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H13  
Washington, DC 20580

The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H10  
Washington, DC 20580

DATED: November 6, 2017

By: /s/ Eunice Ikemoto  
Eunice Ikemoto

CERTIFICATE FOR ELECTRONIC FILING

I hereby certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

DATED: November 6, 2017

By: /s/ Steven M. Perry  
Steven M. Perry  
Attorney



Notice of Electronic Service

I hereby certify that on November 06, 2017, I filed an electronic copy of the foregoing Joint Motion to Extend Deadlines for the Parties' Appeal Briefs, with:

D. Michael Chappell  
Chief Administrative Law Judge  
600 Pennsylvania Ave., NW  
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Washington, DC, 20580

Donald Clark  
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I hereby certify that on November 06, 2017, I served via E-Service an electronic copy of the foregoing Joint Motion to Extend Deadlines for the Parties' Appeal Briefs, upon:

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