

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

**1-800 CONTACTS, INC.,
a corporation**

of fact to consider both the original transcript and the errata, along with Mr. Holbrook's forthcoming trial testimony.

CONCLUSION

For these reasons, Respondent's Motion to Strike Holbrook Errata should be denied.

Dated: April 26, 2017

Respectfully submitted,

/s/ Daniel J. Matheson

Daniel J. Matheson

Kathleen M. Clair

Barbara Blank

Thomas H. Brock

Gustav P. Chiarello

Joshua B. Gray

Nathaniel M. Hopkin

Mika Ikeda

Aaron Ross

Charlotte S. Slaiman

Charles Loughlin

Geoffrey M. Green

EXHIBIT A

REDACTED IN ENTIRETY

EXHIBIT B

From:
Sent:
To:
Subject:

Counsel

Please see the attached email exchange with For the Record in which it's confirmed that

1. Mr. Holbrook's errata sheet was submitted timely to For the Record and
2. For the Record indicated that it would forward the errata sheet to "all counsel of record."

In my experience, the court reporter forwards errata sheet to all counsel who've paid for a copy for a deposition transcript and that's what was promised here.

Best,

Anthony Hong

From: Depo [<mailto:depo@ftrinc.net>]
Sent: Friday, March 10, 2017 2:50 PM
To: Anthony Hong <awhong@lawgroupip.com>
Subject: Re: 1/12/17 Holbrook Transcript for Review

This is correct. Thanks for the follow-up.



On 3/10/2017 3:35 PM, Anthony Hong wrote:

Hello

As we discussed today, my client Eric Holbrooke will submit his changes tomorrow, March 11, 2017, before midnight.

The 30th day of the deadline mentioned in your email falls on March 11th.

Your office had indicated today that submission by any time on March 11th by email (followed by the original) would work.

If this is not your understanding, please let me know by reply email immediately.

Regards,

Anthony Hong

From: Depo [<mailto:depo@ftrinc.net>]

Sent: Thursday, February 09, 2017 1:19 PM

To: _____

Production Department
For The Record, Inc.
10760 Demarr Road
White Plains, Maryland 20695
301-870-8025 or 800-921-5555
301-870-8333 (fax)

*You will not be able to print or save the transcript, as it is a view-only file for review purposes. Password will follow.

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EXHIBIT C

REDACTED IN ENTIRETY

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2017, I filed the foregoing documents electronically using the FTC's E-Filing System, which will send notification of such filing to:

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580

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

I also certify that I delivered via electronic mail a copy of the foregoing documents to:

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CERTIFICATE FOR ELECTRONIC FILING

I 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.

April 26, 2017

By: /s/ Daniel J. Matheson
Attorney