

PUBLIC

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



COMMISSIONERS: Joseph J. Simons, Chairman  
Noah Joshua Phillips  
Rohit Chopra  
Rebecca Kelly Slaughter  
Christine S. Wilson

ORIGINAL

In the Matter of

1-800 Contacts, Inc.,  
a corporation

DOCKET NO. 9372

PUBLIC

**JOINT MOTION REGARDING THE SCHEDULE  
FOR RESPONDENT'S APPLICATION FOR STAY**

Complaint Counsel and counsel for Respondent 1-800 Contacts, Inc., submit this joint motion requesting an Order setting out a proposed schedule for Respondent's Application for Stay in this case. Pursuant to Commission Rule 3.56, an application for stay shall be filed within 30 days of service of the order on the party; any party opposing the application may file an answer within 5 business days after receipt of the application; and the applicant may file a reply brief, limited to new matters raised by the answer, within 3 business days after receipt of the answer. Rule 3.56(d).

Service of the Order on Respondent was completed on November 26, 2018. Pursuant to Rule 3.56, Respondent must file its Application for Stay by December 26, 2018. *See* Email from Donald S. Clark to Respondent and Complaint Counsel (Dec. 4, 2018) (setting schedule).

In order to avoid conflicts with religious holidays and the New Year's holiday, Complaint Counsel and Respondent have agreed to an alternative abbreviated schedule. To this end, Respondent intends to file its Application for Stay on December 10, 2018. Complaint Counsel and Respondent respectfully request that the Commission Order the following Answer and Reply schedule:

1. Complaint Counsel will file its Answer, if any, by December 18, 2018.
2. Respondent will file its Reply, if any, by December 24, 2018.

The Parties submit that this schedule will allow expedient consideration of Respondent's Application for Stay, while accommodating the Parties' religious obligations and travel arrangements over the holidays.

DATED: December 10, 2018

Respectfully submitted,

/s/ Ryan A. Shores

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/s/ Barbara Blank

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***Counsel Supporting the Complaint***

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS:     Joseph J. Simons, Chairman  
                          Noah Joshua Phillips  
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In the Matter of

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**[PROPOSED] ORDER SETTING THE SCHEDULE  
FOR RESPONDENT'S APPLICATION FOR STAY**

On December 10, 2018, the parties filed a *Joint Motion Regarding the Schedule for Respondent's Application for Stay*. Upon consideration of this motion, it is hereby GRANTED.

Based on Respondent's filing of its Application for Stay on December 10, 2018, Complaint Counsel is hereby required to file its Answer, if any, by December 18, 2018; and Respondent is hereby required to file its Reply, if any, by December 24, 2018.

Donald S. Clark  
Secretary

SEAL:

ISSUED:

Notice of Electronic Service

I hereby certify that on December 10, 2018, I filed an electronic copy of the foregoing Joint Motion Regarding the Schedule for Respondent's Application for Stay, with:

D. Michael Chappell  
Chief Administrative Law Judge  
600 Pennsylvania Ave., NW  
Suite 110  
Washington, DC, 20580

Donald Clark  
600 Pennsylvania Ave., NW  
Suite 172  
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I hereby certify that on December 10, 2018, I served via E-Service an electronic copy of the foregoing Joint Motion Regarding the Schedule for Respondent's Application for Stay, upon:

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