

# Aquaforest TIFF Junction Evaluation



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

\_\_\_\_\_)  
In the Matter of )

Jerk, LLC, a limited liability company, )  
also d/b/a JERK.COM, and )

John Fanning, individually and as a member of )  
Jerk, LLC, )  
Respondents. )  
\_\_\_\_\_)

DOCKET NO. 9361

## ORDER ON COMPLAINT COUNSEL'S MOTION TO COMPEL

### I.

On November 17, 2014, Federal Trade Commission ("FTC") Complaint Counsel filed a Motion to Compel Discovery, and its memorandum in support thereof ("Motion"). Complaint Counsel seeks an order compelling Respondent Jerk, LLC ("Jerk") and Respondent John Fanning ("Fanning") to provide responses to Complaint Counsel's Second Set of Interrogatories and to provide documents responsive to Complaint Counsel's Second Request for Production of Documents. Respondent Fanning filed an Opposition to the Motion on November 24, 2014 ("Opposition"). Respondent Jerk has not filed any response to the Motion.

For the reasons set forth below, with respect to Jerk, Complaint Counsel's Motion is GRANTED; with respect to Fanning, Complaint Counsel's Motion is DENIED WITHOUT PREJUDICE.

### II.

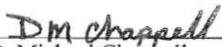
Under FTC Rule 3.38(a), any response to a motion to compel by the opposing party must be filed within 5 days of receipt of service of the motion. The deadline for filing a response to this Motion was November 24, 2014. 16 C.F.R. § 3.38(a). Under FTC Rule 3.22(d), if the opposing party does not file a response within the deadline, he shall be deemed to have consented to the granting of the relief asked for in the motion. 16 C.F.R. § 3.22(d). Respondent Jerk is deemed to have consented to the granting of the relief asked for. Accordingly, as to Jerk, Complaint Counsel's Motion is GRANTED.

Respondent Fanning asserts that he "provided responses to supplemental interrogatories and supplemental requests for production, albeit a bit late." If Fanning has provided responses,

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then Complaint Counsel's Motion is moot; however, if the responses Complaint Counsel has received from Fanning are not adequate, Complaint Counsel may file a renewed motion to compel responses to its second set of interrogatories and requests for documents. Accordingly, with respect to Fanning, Complaint Counsel's Motion is hereby DENIED WITHOUT PREJUDICE.

ORDERED:

  
\_\_\_\_\_  
D. Michael Chappell  
Chief Administrative Law Judge

Date: November 25, 2014