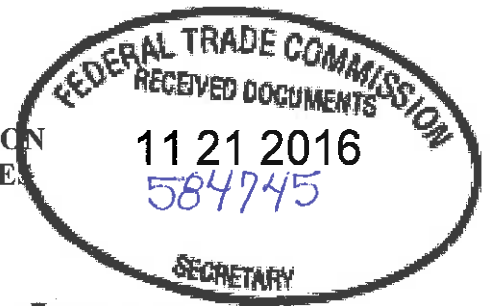


PUBLIC

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



ORIGINAL

In the Matter of)
)
1-800 CONTACTS, INC.,)
a corporation,)
)
Respondent)
_____)

DOCKET NO. 9372

**COMPLAINT COUNSEL’S NOTICE OF WITHDRAWAL OF
MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

WHEREAS, on Thursday, November 10, 2016, Complaint Counsel filed its Motion to Compel Production of Documents (“Motion”) seeking an order compelling Respondent to conduct a reasonable search for, and produce in timely fashion, documents responsive to Complaint Counsel’s Requests for Production 1, 7, 11, 13, 16, and 20;

WHEREAS, Complaint Counsel (Dan Matheson and Kathleen Clair) and Respondent’s Counsel (Greg Sergi and Garth Vincent) have since met and conferred via telephone (on November 14, 2016 and November 18, 2016) and e-mail (November 16, 2016 and November 18, 2016) in an attempt to resolve the Motion;

WHEREAS, on November 21, 2016, Complaint Counsel (Dan Matheson) emailed Respondent’s Counsel (Garth Vincent) memorializing searches that Respondent will perform in response to each relevant Request for Production; and

WHEREAS, Respondent's Counsel has committed to produce responsive materials in accordance with the terms outlined in Dan Matheson's November 21, 2016 email, on a rolling basis, with all productions in response to Complaint Counsel's First Set of Requests for Production completed no later than December 9, 2016;

PLEASE TAKE NOTICE THAT Complaint Counsel hereby WITHDRAWS its Motion to Compel Production of Documents filed November 10, 2016, without prejudice to its right to file a motion to enforce the agreement of the parties.

Respectfully submitted,

/s/ Daniel J. Matheson

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Counsel Supporting the Complaint

Dated: November 21, 2016

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2016, 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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Counsel for Respondent 1-800 Contacts, Inc.

Dated: November 21, 2016

By: /s/ Daniel J. Matheson
Attorney

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.

November 21, 2016

By: /s/ Daniel J. Matheson
Attorney