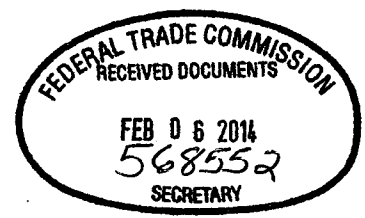


ORIGINAL



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of _____

ECM BioFilms, Inc., _____
a corporation, also d/b/a _____
Enviroplastics International _____

Docket No. 9358

PUBLIC DOCUMENT

JOINT MOTION TO RESET THE FACT DISCOVERY DEADLINE

Complaint Counsel and Respondent ECM Biofilms ("ECM") continue to negotiate regarding the potential service of certain third party subpoenas to ECM's customers. In the event negotiations fail, ECM anticipates seeking a protective order. To facilitate negotiations, however, and to avoid possibly unnecessary motions practice, the parties jointly ask the Court to reset the fact discovery deadline to alleviate the effect of any delay associated with the negotiations. Specifically, both parties stipulate that, in the event they cannot agree, and ECM seeks a protective order, the fact discovery deadline should be moved back by the number of days between February 5¹ and the date when the Court resolves ECM's motion (regardless of how the motion is resolved). As such, the parties jointly ask the Court to enter an order to this effect. Both Complaint Counsel and ECM reserve all other rights.


Dated: February 6, 2014

Respectfully submitted,

Katherine Johnson (kjohnson3@ftc.gov)
Jonathan Cohen (jcohen2@ftc.gov)
Elisa Jillson (ejillson@ftc.gov)
Federal Trade Commission
600 Pennsylvania Ave., N.W. M-8102B
Washington, DC 20580
Phone: 202-326-2185; -2551; -3001
Fax: 202-326-2551

¹ February 5 is the date the parties reached this agreement as a way to avoid possibly unnecessary motions practice.

Dated: February 6, 2014



2

Jonathan W. Emord (jemord@emord.com)
Peter A. Arhangelsky (parhangelsky@emord.com)
Lou F. Caputo (lcaputo@emord.com)
Emord & Associates, P.C.
11808 Wolf Run Lane
Clifton, VA 20124
Phone: (202) 388-8899
Fax: (202) 466-6938

² Executed with Mr. Arhangelsky's express authority.

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2014, I caused a true and correct copy of the foregoing to be served as follows:

One electronic copy to the **Office of the Secretary**, and one copy through the FTC's e-filing system:

Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Room H-159
Washington, DC 20580
Email: secretary@ftc.gov

One electronic copy and one hard copy to the **Office of the Administrative Law Judge**:

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

One electronic copy to **Counsel for the Respondent**:

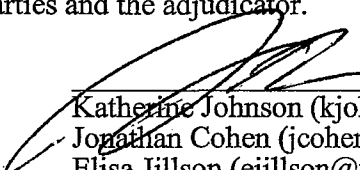
Jonathan W. Emord
Emord & Associates, P.C.
11808 Wolf Run Lane
Clifton, VA 20124
Email: jemord@emord.com

Peter Arhangelsky
Emord & Associates, P.C.
3210 S. Gilbert Road, Suite 4
Chandler, AZ 85286
Email: parhangelsky@emord.com

Lou Caputo
Emord & Associates, P.C.
3210 S. Gilbert Road, Suite 4
Chandler, AZ 85286
Email: lcaputo@emord.com

I further certify that I possess a paper copy of the signed original of the foregoing document that is available for review by the parties and the adjudicator.

Date: February 6, 2013


Katherine Johnson (kjohnson3@ftc.gov)
Jonathan Cohen (jcohen2@ftc.gov)
Elisa Jillson (ejillson@ftc.gov)
Federal Trade Commission
600 Pennsylvania Ave., N.W. M-8102B
Washington, DC 20580
Phone: 202-326-2185; -2551; -3001
Fax: 202-326-2551