

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



In the Matter of)
)
)
LabMD, Inc.,)
)
a corporation,)
)

Respondent.)

PUBLIC

Docket No. 9307

ORIGINAL

**NON-PARTY RICHARD WALLACE'S RESPONSE
TO COMPLAINT COUNSEL'S MOTION TO COMPEL**

Richard Wallace, by and through his counsel, Bryan Cave LLP, hereby responds to and opposes Complaint Counsel's Motion to Compel ("Motion") the production of additional documents from Mr. Wallace under a Subpoena Duces Tecum ("Subpoena") served in this action on December 30, 2014.

Complaint Counsel's Motion asks the Court to compel the production of documents that were not, at the time of filing, in Mr. Wallace's possession, custody, or control. Namely, Mr. Wallace had previously produced certain documents to the Committee on House Oversight and Government Reform ("Oversight Committee"), in response to a separate subpoena. At the time of the Motion and our initial document production, we were unable to obtain these documents from the Oversight Committee or to determine which, if any of Mr. Wallace's former attorneys, had duplicate copies that we could review.

In the time since Complaint Counsel filed its Motion, we have obtained the requested documents. We have completed our privilege review and are finalizing conversion of these documents into the format required by the Subpoena. We expect to produce these documents to Complaint Counsel tomorrow, February 13, 2015. It is this counsel's understanding, based on

prior conversations, that Complaint Counsel will withdraw its Motion upon our production of those documents.

Out of an abundance of caution, we file this Response to the Motion to preserve Mr. Wallace's objection to the Motion to Compel, as it seeks documents outside of his possession, custody, or control, and as the Motion will be rendered moot by our anticipated, final production of responsive documents.

Respectfully submitted, this 12th day of February, 2015.

/s/ Mary Beth Buchanan

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Notice of Electronic Service for Public Filings

I hereby certify that on February 12, 2015, I filed via hand a paper original and electronic copy of the foregoing Response to Motion to Compel, with:

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I hereby certify that on February 12, 2015, I filed via E-Service of the foregoing Response to Motion to Compel, with:

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I hereby certify that on February 12, 2015, I filed via other means, as provided in 4.4(b) of the foregoing Response to Motion to Compel, with:

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