

authenticated all documents shown to him. Mr. Brakefield had to engage counsel, review documents and attend, at considerable imposition of time and cost to him.

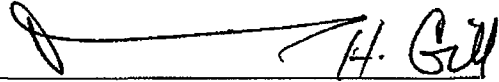
4. Since that time, Mr. Brakefield has further given a declaration at the request of complainant, and one at the request of defendant on the authenticity of documents which those parties apparently seek to use at trial.

5. Mr. Brakefield resides in Birmingham, Alabama, but has now received subpoenas to appear in Washington sometime during the trial of this matter, with the date of such attendance being uncertain. The subpoena states that it is for September 4, the opening day of the trial, but Mr. Brakefield has been informed that he will not actually be called as a witness that day. No fixed day has been made known.

6. It is both burdensome to Mr. Brakefield and unnecessary to the trial for Mr. Brakefield to be required to be available for multiple days, and to travel to Washington, apparently on short notice from counsel, when his testimony is fully known and is available to counsel and the Court.

7. Mr. Brakefield's counsel has sought to obtain the consent of complainant to withdraw the subpoena, but such request has been refused. It is neither fair nor reasonable for a private citizen to be compelled to appear when he has already fully cooperated and fully testified.

WHEREFORE, movant Tommy E. Brakefield respectfully prays that the Court will enter an order that the subpoenas for his attendance at trial be quashed, and for such other relief as may be appropriate in the premises.



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CERTIFICATE OF SERVICE


This is to certify that on August 29, 2012, I delivered via electronic mail a copy of the foregoing document to:

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CORRECTED CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2012, I filed the foregoing document 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

I also certify that I delivered via electronic mail and U.S. Mail a copy of the foregoing document to:

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

I further certify that I delivered via electronic mail a copy of the foregoing document to:

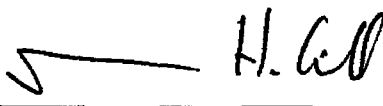
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