UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS:	Jon Leibowitz, Chairman William E. Kovacic J. Thomas Rosch Edith Ramirez Julie Brill
In the Matter of)
In the Matter of)
GEMTRONICS, INC.,)
a corporation, and)
) DOC
WILLIAM H. ISELY,)
individually and as the ov	vner of)
Gemtronics, Inc.)
)

DOCKET NO. 9330

ORDER GRANTING RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE APPEAL BRIEF

On April 27, 2010, the Chief Administrative Law Judge issued an Initial Decision and Order Denying Respondents' Application For An Award of Attorney Fees and Other Expenses ("Initial Decision") in this matter. The Initial Decision was served on Respondents on May 3, 2010, and on May 5, 2010, Respondents timely filed a Notice of Appeal, pursuant to Commission Rule 3.83(h), 16 C.F.R. § 3.83(h), advising that they would appeal the Initial Decision. On May 10, 2010, Respondents filed a Motion requesting an extension of the deadline for filing their appeal brief until June 12, 2010. Complaint Counsel do not oppose the motion.

The Commission Rules applicable to this proceeding give the parties thirty days after service of the Initial Decision within which to perfect an appeal by filing an appeal brief before the Commission.¹ The time periods prescribed by the Commission Rules ordinarily should

¹ On May 1, 2009, the Commission published several amendments to its Rules of Practice designed to expedite the Part 3 litigation process. *See* 74 Fed. Reg. 20205. These rules govern all proceedings initiated on or after May 1, 2009. *See id.*; *see also* 74 Fed. Reg. 1804 (January 13, 2009) (establishing interim final rules for actions commenced after January 13, 2009). However, "[t]he rules that were in effect before January 13, 2009 . . . govern all . . . Commission adjudicatory proceedings [pending on January 13, 2009]."). 74 Fed. Reg. 1804.

afford parties to Commission proceedings sufficient time to file pleadings and briefs of sufficient quality and detail to aid in the preparation of Commission opinions and orders. In this instance, however, Respondent William Isely states in the Respondents' Motion that more time is necessary due to pressing personal issues, including in particular the need to care for his ailing wife, and the Commission is persuaded that these circumstances warrant granting the Motion. Because June 12, 2010, falls on a Saturday, the Commission has determined to extend the time for the Respondents to file their appeal brief until June 14, 2010. Accordingly,

IT IS ORDERED THAT Respondents shall file their appeal brief on or before June 14, 2010, and that Respondents' appeal shall be deemed perfected for purposes of Rule 3.52(b)(2), 16 C.F.R. § 3.52(b)(2), if Respondents file their appeal brief by that date;

IT IS FURTHER ORDERED THAT Complaint Counsel shall file their answering brief on or before July 26, 2010; and

IT IS FURTHER ORDERED THAT Respondents shall file their reply brief on or before August 4, 2010.

By the Commission.

Donald S. Clark Secretary

ISSUED: May 12, 2010

Because this matter was already pending on January 13, 2009, the Rules of Practice in effect prior to the amendments govern this proceeding.