

Interlocutory Orders, Etc.

IN THE MATTER OF

**HERBS NUTRITION CORPORATION
AND
SYED M. JAFRY***Docket No. 9325. Order, December 21, 2007*

Order granting Complaint Counsel's motion to withdraw the matter from adjudication to enable the Commission to consider a proposed consent agreement.

**ORDER WITHDRAWING MATTER FROM ADJUDICATION FOR THE
PURPOSE OF CONSIDERING PROPOSED CONSENT AGREEMENT**

Complaint Counsel having moved that this matter be withdrawn from adjudication to enable the Commission to consider a proposed Consent Agreement; and

Complaint Counsel having submitted a proposed Consent Agreement containing a proposed Order, executed by the Respondents and by Complaint Counsel and approved by the Director of the Bureau of Consumer Protection, which, if accepted by the Commission, would resolve this matter in its entirety;

IT IS ORDERED, pursuant to Rule 3.25(c) of the Commission Rules of Practice, 16 C.F.R. § 3.25(c) (2007), that this matter in its entirety be and it hereby is withdrawn from adjudication, and that all proceedings before the Administrative Law Judge be and they hereby are stayed pending a determination by the Commission with respect to the proposed Consent Agreement, pursuant to Rule 3.25(f), 16 C.F.R. § 3.25(f); and

IT IS FURTHER ORDERED, pursuant to Rule 3.25(b) of the Commission Rules of Practice, 16 C.F.R. § 3.25(b), that the proposed Consent Agreement shall not be placed on the public record unless and until it is accepted by the Commission.

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By the Commission.

Interlocutory Orders, Etc.

IN THE MATTER OF

REALCOMP II, LTD.

Docket No. 9320. Order, December 28, 2007

Order granting the parties joint motion for an extension of time in part by granting an extension as to the initial brief and the answering brief.

**ORDER PARTIALLY GRANTING JOINT MOTION FOR EXTENSION
OF TIME THROUGHOUT THE APPELLATE BRIEFING SCHEDULE**

Complaint Counsel and Respondent have filed a Joint Motion for Extension of Time Throughout the Appellate Briefing Schedule (December 21, 2007) (hereinafter “Joint Motion”) requesting that the Commission extend the time for the filing of briefs on the appeal and possible cross-appeal in this matter. For the reasons discussed below, the Commission grants in part the parties’ motion for an extension of time.

Chief Administrative Law Judge McGuire filed his Initial Decision and Order in this matter on December 10, 2007, and Complaint Counsel filed a timely Notice of Appeal on December 19, 2007. If Respondent determines to file a Notice of Appeal (hereinafter “Notice of Cross-Appeal”), it must be filed on or before December 31, 2007. Pursuant to Commission Rule 3.52(g), 16 C.F.R. § 3.52(g) (2007), if such a Notice of Cross-Appeal is filed – and Respondent perfects its Cross-Appeal with the timely filing of a Cross-Appeal Brief – Complaint Counsel will be deemed the Appellant, and Respondent will be deemed the Cross-Appellant/Appellee. Because Complaint Counsel were served with the Initial Decision on December 19, 2007, Complaint Counsel must currently file their Appeal Brief on or before January 18, 2008.¹ If service of that and subsequent briefs is effected on the opposing parties on the date on which each brief is due – and if Respondent

¹ Commission Rule 3.52(b), 16 C.F.R. § 3.52 (b).