

Interlocutory Orders, Etc.

IN THE MATTER OF

**SERVICE CORPORATION INTERNATIONAL
AND
STEWART ENTERPRISES, INC.**

Docket No. C-4423. Order, May 9, 2014

Letter approving application to divest certain assets to StoneMor Partners L.P.

LETTER ORDER APPROVING DIVESTITURE OF CERTAIN ASSETS

Amanda Wait, Esq.
Hunton & Williams LLP

Dear Ms. Wait:

This is in reference to the Petition For Approval of Proposed Divestiture filed by Service Corporation International (“SCI”) and received on March 21, 2014 (“Petition”). Pursuant to the Decision and Order in Docket No. C-4423, SCI requests prior Commission approval of its proposal to divest certain assets to StoneMor Partners L.P. (“StoneMor”).

After consideration of SCI’s Petition and other available information, the Commission has determined to approve the proposed divestiture as set forth in the Petition. In according its approval, the Commission has relied upon the information submitted and the representations made by SCI and StoneMor in connection with SCI’s Petition and has assumed them to be accurate and complete.

By direction of the Commission.

Interlocutory Orders, Etc.

IN THE MATTER OF

LABMD, INC.

Docket No. 9357. Order, May 19, 2014

Opinion and Order denying respondent's motion seeking a summary decision dismissing with prejudice the Complaint in this matter.

**ORDER DENYING RESPONDENT LABMD, INC.'S MOTION FOR
SUMMARY DECISION**

By Commissioner Joshua D. Wright, for a unanimous Commission:¹

Respondent LabMD, Inc. ("LabMD") seeks a summary decision dismissing with prejudice the Complaint in this matter. Motion for Summary Decision, filed April 21, 2014 ("Motion"). It argues that there is "no genuine dispute as to any material fact regarding liability or relief" in this case, and that we should proceed to "issue a final decision and order" in LabMD's favor. Motion at 8 (quoting 16 C.F.R. § 3.24(a)(2)). Complaint Counsel opposes that request.² We find that there are genuine disputes about some of the facts asserted by LabMD in its Motion, and that other such facts are not material to the ultimate question of whether LabMD is liable for engaging in "unfair acts or practices" in violation of Section 5(a) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 45(a). That question must be resolved based on factual evidence presented at an evidentiary hearing. Accordingly, we deny LabMD's Motion for Summary Decision.

¹ Commissioner Brill did not take part in the consideration or decision herein.

² See Complaint Counsel's Response in Opposition to Respondent's Motion for Summary Decision, filed May 5, 2014 ("CC Opp."); Complaint Counsel's Separate and Concise Statement of Material Facts as to Which There Exist Genuine Issues for Trial, filed May 5, 2014 ("CC Stmt."). See also LabMD Reply in Support of Motion to Dismiss, filed May 12, 2013 ("LabMD Reply").