

Interlocutory Orders, Etc.

IN THE MATTER OF

JERK, LLC D/B/A JERK.COM
AND
JOHN FANNING

Docket No. 9361. Order, October 9, 2014

Order extending the time in which Respondent needs to reply to Complaint Counsel's motion.

ORDER EXTENDING TIME TO RESPOND TO COMPLAINT COUNSEL'S
MOTION FOR SUMMARY JUDGMENT

On October 2, 2014, Respondent John Fanning ("Fanning") filed a Motion for Extension of Time requesting an additional thirty days to file his response opposing Complaint Counsel's Motion for Summary Decision in this proceeding. Complaint Counsel opposes the Motion, but, in the alternative, proposes an extension of fourteen days. For the reasons below, the Commission grants Mr. Fanning an additional twenty-one days to file his response.

Commission Rule 3.24(a)(2), 16 C.F.R. § 3.24(a)(2), gives parties fourteen days after service of a motion for summary decision to file opposing affidavits with the Commission. The time periods prescribed by the Commission Rules of Practice ordinarily should afford parties to FTC proceedings sufficient time to file submissions of sufficient quality and detail to aid in the preparation of Commission opinions and orders. Absent a Commission order granting an extension of time to Mr. Fanning, his response would be due on October 14.

Respondent has requested that the time to file an opposition be extended by thirty days. Respondent represents that he needs additional time due to a combination of the voluminous nature of the case record, the need to separate and address materials directed at Jerk, LLC or Mr. Fanning, and the effect of the compressed schedule on his counsel (Motion ¶¶ 2, 5). He asserts that it would be unfair and prejudicial to require him to respond without a reasonable extension in the deadline (Motion ¶ 4).

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Under these circumstances, the Commission is willing to grant Mr. Fanning additional time to prepare his response. Respondent's request for a thirty-day extension, however, would more than triple the standard time for a response. In view of the volume of material appended to Complaint Counsel's filing, we too agree that some additional time to respond is warranted. Moreover, the other respondent in this proceeding, Jerk LLC, was not served with Complaint Counsel's Motion until October 7. Extending the response deadline for each respondent until November 4 will give both Respondents at least 28 days to respond.

In opposing Respondent Fanning's motion, Complaint Counsel has also requested an additional six days to reply. Because the nature of Respondent's opposition filing is unknown, however, that request is premature. We therefore decline Complaint Counsel's request at this time, without prejudice.

IT IS ORDERED THAT Respondents John Fanning and Jerk, LLC may file their responses to Complaint Counsel's Motion for Summary Decision on or before Tuesday, November 4, 2014.

By the Commission.

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IN THE MATTER OF

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

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

Letter approving application to divest Greenwood Cemetery and New Gray Cemetery in Knoxville, Tennessee to Alliance Funeral Group, Inc.

LETTER ORDER APPROVING DIVESTITURE OF CERTAIN ASSETS

Amanda Wait, Esq.
Hunton & Williams LLP

*Re: In the Matter of Service Corporation International and
Stewart Enterprises, Inc., Docket No. C-4423*

Dear Ms. Wait:

This is in reference to the Petition For Approval of Proposed Divestiture filed by Service Corporation International (“SCI”) and received on July 24, 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 Alliance Funeral Group, Inc. (“Alliance”).

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 Alliance in connection with SCI’s Petition and has assumed them to be accurate and complete.

By direction of the Commission.