

Interlocutory Orders, Etc.

IN THE MATTER OF

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

Docket No. C-4423. Order, December 17, 2014

Letter approving application to divest Lassila Funeral Chapel in Auburn, California to Claney Oatmeyer Semenyuk, 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 October 23, 2014 (“Petition”). Pursuant to the Decision and Order in Docket No. C-4423 (“Order”), SCI requests prior Commission approval of its proposal to divest certain funeral home assets to Claney Oatmeyer Semenyuk, Inc. (“COS”).

After consideration of the 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 COS in connection with the Petition and has assumed them to be accurate and complete.

This letter also responds to the Petition for Extension of Time (“Petition for Extension”) filed by SCI on October 27, 2014, pursuant to Commission Rule 4.3(b), 16 C.F.R. § 4.3(b). Under the Order, SCI was required to complete the divestitures no later than 180 days after the Commission issued the Order, or by

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October 27, 2014. Rule 4.3(b) provides that “the Commission, for good cause shown, may extend any time limit prescribed by the rules in this chapter or order of the Commission.” Under applicable precedent, SCI has the burden of demonstrating good cause, and granting an extension of time rests in the discretion of the Commission.

After consideration of SCI’s request, the Commission has determined to grant the Petition for Extension and extend the time in which SCI must complete the divestitures required by the Order to no later than December 29, 2014. SCI has shown that it began its divestiture efforts immediately upon reaching the consent agreement with the Commission staff, that it has acted diligently throughout the entire divestiture period and in close communication with the Commission staff, and that the delays in completing negotiations were not due to unreasonable demands or other unreasonable conduct by SCI.

By direction of the Commission.

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IN THE MATTER OF

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

Docket No. 9361. Order, December 22, 2014

Order denying Complaint Counsel's Motion to Supplement the Record on Complaint Counsel's pending Motion for Summary Decision.

ORDER EXTENDING THE TIME FOR JERK, LLC TO RESPOND TO THE
MOTION FOR SUMMARY DECISION AND RESCHEDULING THE
EVIDENTIARY HEARING BEFORE THE ADMINISTRATIVE LAW JUDGE

On September 29, 2014, Complaint Counsel moved for summary decision on the claims against Respondents Jerk, LLC ("Jerk") and John Fanning. The Commission extended the time for Respondents to oppose the Motion for Summary Decision to November 4, and Mr. Fanning opposed the motion but Jerk did not. On November 12, Complaint Counsel filed a reply, and Mr. Fanning filed a surreply on November 19. Subsequently, on December 8, Jerk reappeared and filed a "Motion to Extend the Time to Respond to Motion for Summary Decision, and to Reschedule the Evidentiary Hearing." Complaint Counsel has opposed this motion.

Jerk argues that it fully participated in this case until July 2014, when its prior attorney terminated her representation. Jerk asserts that it had difficulty finding another attorney and was unrepresented until December 2, 2014, when it retained new counsel. Jerk Mot. at 2. Jerk contends that the Commission should vacate any findings or admissions entered against it by default and allow it to respond to the Motion for Summary Decision on the merits. Specifically, Jerk seeks to: (1) extend the deadline for its opposition to Complaint Counsel's Motion for Summary Decision to a date on or after January 26, 2015; (2) postpone the Commission's decision until after Jerk's response; and (3) reschedule the evidentiary hearing before the Administrative Law Judge to a date on or after March 2, 2015. In the alternative, Jerk requests ten days to respond to Complaint Counsel's Motion for Summary Decision without changing the