

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Edith Ramirez, Chairwoman**
 Maureen K. Ohlhausen
 Terrell McSweeney

)	
In the Matter of)	
)	
LabMD, Inc.,)	DOCKET NO. 9357
a corporation)	
)	

ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL OF RECORD

On September 6, 2016, Patrick J. Massari and Erica L. Marshall of the Cause of Action Institute moved to withdraw as counsel of record for LabMD, Inc. In their motion, LabMD’s counsel assert that there is good cause for permitting their withdrawal and that withdrawal will not prejudice the interests of LabMD once briefing in connection with LabMD’s application for stay of the Commission’s final order pending appellate review is complete. They note further that LabMD has retained counsel to represent it in its petition for review of the Commission’s final order. LabMD, however, does not consent to the withdrawal. LabMD’s counsel and LabMD each filed supplemental *in camera* and *ex parte* submissions related to counsel’s motion on September 20, 2016.

We have determined to permit Mr. Massari and Ms. Marshall to withdraw as counsel of record in this proceeding. The Commission has now ruled on LabMD’s stay application, and this administrative proceeding has thus concluded. Indeed, LabMD’s new appellate counsel have informed the Commission that LabMD intends to file a petition for review of the Commission’s Decision and Final Order with the Eleventh Circuit Court of Appeals. Thus, LabMD’s counsel may withdraw as counsel of record from this proceeding without any prejudice to LabMD. Accordingly,

IT IS ORDERED that Patrick J. Massari and Erica L. Marshall’s Motion for Leave to Withdraw as Counsel of Record for Respondent LabMD, Inc. is hereby **GRANTED**.

By the Commission.

Donald S. Clark
Secretary

SEAL:
ISSUED: September 29, 2016