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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

Federal Trade Commission, and Utah
Division of Consumer Protection,

Plaintiffs,

v.

Zurixx, LLC, a Utah limited liability
company, et al.,

Defendants.

**PLAINTIFFS' RESPONSE TO ROBERT
SHEMIN'S MOTION TO QUASH
SUBPOENA AND FOR PROTECTIVE
ORDER**

Case No. 2:19-cv-00713-DAK-DAO

Judge Dale A. Kimball

Magistrate Judge Daphne A. Oberg

Plaintiffs the Federal Trade Commission (“FTC”) and Utah Division of Consumer Protection (“Division”) hereby respond to the Motion to Quash Subpoena and for Protective Order (ECF 284) filed by non-party witness Robert Shemin.

Plaintiffs’ only objections to Mr. Shemin’s request to delay his deposition are that (a) the fact discovery cutoff in this matter is currently set for July 22, 2021, and Plaintiffs require Mr. Shemin’s testimony; and (b) by email dated June 17, 2021, Plaintiffs asked Defendants to agree to allow Mr. Shemin’s deposition to proceed after the fact discovery cutoff based on Mr. Shemin’s request and Defendants have yet to respond. This is yet another fact showing good cause for the Plaintiffs’ separate pending motion to revise the Scheduling Order to extend the fact discovery cutoff by 4 ½ months (ECF 276). Plaintiffs would agree to postpone Mr. Shemin’s deposition were it not for the fact discovery cutoff date of July 22, 2021.

Respectfully submitted this 24th day of June 2021.

/s/ Joni Ostler
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/s/ Thomas Harris
*Signed by filing attorney with permission from
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 24, 2021, a true and correct copy of the foregoing document was served on counsel for all parties via electronic filing with the Court's ECF service.

/s/ Joni Ostler
Joni Ostler