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UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION



In the Matter of

NATIVE ESSENCE HERB COMPANY, a corporation,

MARK J. HERSHISER, individually, d/b/a Native Essence Herb Company, and as an officer of the corporation, and

MARIANNE HERSHISER, individually, d/b/a Native Essence Herb Company, and as an officer of the corporation.

DOCKET NO. 9328

PUBLIC DOCUMENT

JOINT MOTION FOR STAY OF PROCEEDINGS PENDING DECISION ON RESPONDENTS' MOTION TO WITHDRAW MATTER FROM ADJUDICATION

Respondents and complaint counsel jointly move for a stay of the proceedings in this matter pending this court's determination on Respondents' motion to withdraw this matter from adjudication and forward their proffered consent agreement to the Commission. Because a number of discovery-related deadlines are imminent, it is the interest of both sides to avoid the expenditure of significant resource while the motion to withdraw the matter from adjudication is pending. If this court grants Respondents' motion, it will also determine whether to continue to stay the proceedings pending a Commission determination. If this court denies Respondents' motion, both side are committed to the prompt resumption and completion of discovery.

For these reasons, both parties move that the proceedings in this matter be stayed pending the decision on Respondents' motion to withdraw this matter from adjudication.

Respectfully submitted,

Richard Jaffe (713) 626-3550
Counsel for Respondents Native Essence
Herb Company, Mark J. Hershiser, and
Marianne Hershiser

Dated: December 11, 2008

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Erika Wodinsky Matthew D. Gold

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Complaint Counsel

UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of

NATIVE ESSENCE HERB COMPANY, a corporation,

MARK J. HERSHISER, individually, d/b/a Native Essence Herb Company, and as an officer of the corporation, and

MARIANNE HERSHISER, individually, d/b/a Native Essence Herb Company, and as an officer of the corporation.

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PROPOSED ORDER

Complaint Counsel and Respondents' Counsel have moved jointly that these proceedings be stayed pending the resolution of Respondents' motion to withdraw this matter from adjudication. Because I find that granting the requested stay will not unduly delay the ultimate resolution of this matter, this motion is **GRANTED**.

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UK	1,	r.ĸ	H.	, J.

D. Michael Chappell Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of December, 2008, I caused the Joint Motion for Stay of Proceedings Pending Decision on Respondents' Motion to Withdraw Matter from Adjudication to be served and filed as follows:

(1) the original, two (2) paper copies filed by overnight courier and one (1) electronic copy via email to:

Donald S. Clark, Secretary

Federal Trade Commission 600 Penn. Ave., N.W., Room H-159 Washington, D.C. 20580

(2) two (2) paper copies served by overnight courier and one (1) electronic copy via email to:

The Honorable D. Michael Chappell

Administrative Law Judge 600 Penn. Ave., N.W., Room H-104 Washington, D.C. 20580

(3) one (1) electronic copy via email and one (1) paper copy by first class mail to:

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Erika Wodinsky Complaint Counsel