

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



In the Matter of)
)
)

UNIVERSAL COMPUTERS AND)
ELECTRONICS, INC.,)
d/b/a Appliancebestbuys.com, and,)
d/b/a universallcdtv.com,)
Respondent.)
)
_____)

DOCKET NO. 9347

PUBLIC DOCUMENT

**JOINT MOTION TO EXTEND TIME FOR RESPONDENT TO RESPOND TO
INTERROGATORIES AND DOCUMENT REQUESTS AND TO AMEND
SCHEDULING ORDER**

By this motion, Complaint Counsel and Respondent jointly move the Court for an order extending Respondent’s deadline to respond to Interrogatories and Document Requests and provide its initial disclosures and preliminary witness list to July 19, 2011. Additionally, Complaint Counsel and Respondent jointly move the Court to amend the May 12, 2011 Scheduling Order to allow Complaint Counsel to issue document requests and interrogatories until July 29, 2011. This is the first amendment to the Scheduling Order the parties have sought. If approved, the changes would not affect the date for the Commencement of the Hearing on December 1, 2011.

On June 2, 2011, Complaint Counsel served its First Request for Production of Documents (“Document Requests”) and First Set of Interrogatories (“Interrogatories”) on Respondent. Pursuant to Commission Rule of Practice 3.35, Respondent had until July 5, 2011 – 30 days from the date of service – to serve its answers and objections, if any. Respondent has not provided any responses to the Document Requests or Interrogatories. In addition, pursuant

to Commission Rule of Practice 3.31(b), within five (5) days of filing its Answer (filed on April 29, 2011), Respondent should have provided Complaint Counsel with mandatory Initial Disclosures. Further, pursuant to the May 12, 2011 Scheduling Order, Respondent was required to serve Complaint Counsel with its preliminary witness list and a summary of the proposed testimony no later than June 22, 2011. Respondent did not provide either of these documents.

After conferring with Respondent's counsel, and subject to the approval of the Court, Complaint Counsel has agreed to extend Respondent's deadline to July 19, 2011 for responding to its written discovery and providing initial disclosures and an initial witness list. However, this extended deadline of July 19, 2011 occurs after the Scheduling Order's deadline for serving written discovery of July 15, 2011. Accordingly, to ensure that Complaint Counsel would have the ability to serve any additional Document Requests or Interrogatories based on Respondent's responses, Respondent and Complaint Counsel jointly move to amend the Scheduling Order to allow Complaint Counsel to issue Interrogatories and Document Requests through and including July 29, 2011.

Commission Rule of Practice 3.21(c)(2) provides that "[t]he Administrative Law Judge may, upon a showing of good cause, grant a motion to extend any deadline or time specified in this scheduling order other than the date of the evidentiary hearing." Allowing Complaint Counsel to issue additional Document Requests and Interrogatories for ten (10) days following receipt of Respondent's discovery responses would remove any prejudice from Respondent's failure to comply with its initial deadlines. The proposed change would not affect any other deadlines prescribed by the Scheduling Order, including the deadline for the close of discovery on August 23, 2011 and the Commencement of Hearing on December 1, 2011.

The parties are prepared to discuss this joint motion with the Court at its request. A proposed order is attached.

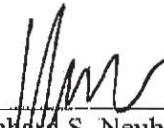
Respectfully submitted,



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Complaint Counsel

Dated: July 13, 2011



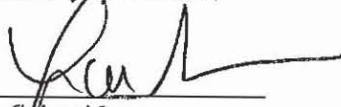
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Attorney for Respondent

STATEMENT OF THE PARTIES REGARDING MEET AND CONFER

In accordance with Paragraph 4 of the Court's May 12, 2011 Scheduling Order, the undersigned counsel certify that Complaint Counsel and Respondent conferred in good faith and are in agreement regarding the issues raised by the Joint Motion to Extend Time for Respondent to Respond to Interrogatories and Document Requests and to Amend Scheduling Order. On July 12, 2011, at 12:09 p.m., Complaint Counsel Laura Schneider and Matthew Wilshire had a telephone conference with Richard Neubarth, counsel for Respondents, wherein we discussed this joint motion and stipulation and agreed to prepare a joint motion and proposed order.

Respectfully submitted,



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Attorney for Respondent

Dated: July 13, 2011.

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of July, 2011, I filed and served the **Joint Motion to Extend Time for Respondent to Respond to Interrogatories and Document Requests and to Amend Scheduling Order** upon the following as set forth below:

One electronic copy via the FTC E-Filing System to:

Donald S. Clark, Secretary Federal Trade Commission 600 Pennsylvania Ave., N.W., Room H-159 Washington, DC 20580

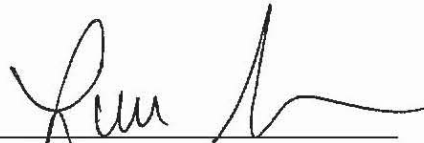
One paper copy via hand delivery and one electronic copy via email to:

The Honorable D. Michael Chappell Administrative Law Judge 600 Pennsylvania Ave., N.W., Room H-110 Washington, DC 20580 Email: oalj@ftc.gov

One electronic copy via email to:

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Respondent



Laura Schneider
Federal Trade Commission

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In the Matter of)	
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UNIVERSAL COMPUTERS AND)	
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**[proposed] ORDER GRANTING JOINT MOTION TO EXTEND TIME FOR
RESPONDENT TO RESPOND TO INTERROGATORIES AND DOCUMENT
REQUESTS AND TO AMEND SCHEDULING ORDER**

On July 13, 2011, the parties filed a Joint Motion to Extend Time for Respondent to Respond to Interrogatories and Document Requests and to provide initial disclosures and a preliminary witness list, and to Amend the Scheduling Order issued in this case on May 12, 2011. Specifically, the parties jointly request an extension of Respondent’s deadline to respond to Complaint Counsel’s First Request for Production of Documents and First Set of Interrogatories to July 19, 2011. The parties further jointly request an extension of Respondent’s deadline to provide Complaint Counsel with Initial Disclosures and Respondent’s preliminary witness list to July 19, 2011. The parties further jointly request an amendment to the Scheduling Order to give Complaint Counsel until July 29, 2011 to propound additional discovery related to Respondent’s responses to Document Requests and Interrogatories, and the initial disclosures and preliminary witness list. The parties further state that each party believes it will not be prejudiced by this limited extension of the discovery deadline.

Commission Rule of Practice 3.21(c)(2) provides that “[t]he Administrative Law Judge

may, upon a showing of good cause, grant a motion to extend any deadline or time specified in this scheduling order other than the date of the evidentiary hearing.” 16 C.F.R. § 3.21(c)(2).

Based on the statements of the parties in their Joint Motion, and the fact that the proposed change will not affect any other deadlines in the Scheduling Order, there is good cause to amend the Scheduling Order as requested by the parties.

Accordingly, the Joint Motion to Amend Scheduling Order is GRANTED and it is hereby ORDERED that the Scheduling Order dated May 12, 2011 is amended as follows:

1. Respondent shall provide any responses to Complaint Counsel’s First Request for Production of Documents and First Set of Interrogatories on or before July 19, 2011.
2. Respondent shall provide Initial Disclosures pursuant to Commission Rule of Practice 3.31(b) and Respondent’s preliminary witness list and a summary of the proposed testimony on or before July 19, 2011.
3. Complaint Counsel may issue any additional Requests for Production of Documents or Interrogatories based on Respondent’s responses and production of documents described in paragraphs 1 and 2 above on or before July 29, 2011.
4. The remaining dates and all additional provisions in the May 12, 2011 Scheduling Order remain in effect.

SO ORDERED:

The Honorable D. Michael Chappell
Chief Administrative Law Judge

DATE: