

[The body of the document is almost entirely obscured by heavy black redaction bars.]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] that discovery should be stayed until its contention interrogatories are answered.<sup>4</sup> In fact, the

request stands the law on its head: rather than preceding fact discovery, contention interrogatories

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

As reflected in the cases cited in notes 5 and 6 above, Respondent's position that it is

proceed with depositions is untenable.<sup>7</sup> Respondent already possesses a trove of information

the initial disclosures required by the Rules of Practice, and Respondent did not object to the completeness of those disclosures.

Respondent also argues that the court's decision to grant summary judgment was based on

concerned are actually an attempt by Respondent to mislead the court.

**B. The Court should not stay Complaint Counsel's depositions pending**

**production of third party documents.**

**Order.**

Pursuant to this Court's Protective Order Governing Discovery, M. 11-027, 10/16/03

2003 ("Protective Order"), Complaint Counsel is not yet permitted to produce the third party

not at liberty to produce such documents at present but intends to do so as quickly as possible.

once all of the terms of the protective order have been met.

explained to Respondent on numerous occasions.

The Court's scheduling order permits fact discovery at the present time. It does not

condition any such discovery on the production of documents.

Complaint Counsel immediately issued *subpoenas ad testificandum*, on November 6 and 7, 2003.

A.B. 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200



prior to the deposition of Dr. J. McCallum, or November 21, 2003. Until Complaint Counsel and Respondent reach impasse, if at all, there is no issue that requires the intervention of the Court at

**Conclusion**

Respondent has not met its burden of demonstrating good cause and reasonableness for this Court to grant a motion to stay discovery pending response to contention interrogatories and

**CERTIFICATE OF SERVICE**

I, Christine Rose, hereby certify that on 13 November 2003, I caused a copy of Complaint Counsel's Opposition to Respondent's Expedited Motion for a Protective Order and to Stay Depositions to be served upon the following:

Federal Trade Commission  
Room H-159  
600 Pennsylvania Avenue, NW  
Washington, D.C. 20580

Hon. D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
Room H-104

**Attachment A**

LEXSEE 1981 FTC LEXIS 110

In the Matter of FLOWERS INDUSTRIES, INC., a corporation

DOCKET NO. 9148

Federal Trade Commission

*1981 FTC LEXIS 110*

**ORDER COMPELLING ANSWERS TO INTERROGATORIES**

October 7, 1981

**ALJ:** [\*1]

James P. Timony, Administrative Law Judge

**ORDER:**

**ORDER COMPELLING ANSWERS TO INTERROGATORIES**

Respondent moves to compel answers to interrogatories 10 through 25, 27 through 31, 34 and

order at the time of the meeting, I would probably compel answers without further consideration. [\*2]

In opposing the interrogatories, complaint counsel argue that they have already provided respondent with a great deal of discovery; that respondent is in the industry and already has the requisite knowledge; that respondent's counsel are learned and do not really need a further

elaboration of matters, but that the interrogatories are necessary to clarify the issues.

persons who conscientiously believe may have been included in this

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]