



objections and refused to produce answers or, failing that, evidence that would allow Basic Research to divine the standards themselves.

7, 27 and 29 aim at the same goal Basic Research has sought since the start of this case, identifying the benchmark against which the FTC has evaluated Basic Research's substantiation for the Challenged Advertisements. Complaint Counsel can not avoid its obligation to produce discovery on matters as fundamental to its own case in chief as this by merely asserting that the discovery relates to Basic Research's Affirmative Defenses.

7. Complaint Counsel's representation in the rest of its Motion, i.e., that a stay should be entered because it is unable to respond to discovery, engage in their own affirmative discovery, and attend to the additional briefing schedule while responding to the Motion to

9. Complaint Counsel has shown only excuses and not good cause for evading its

Therefore, Complaint Counsel's Motion to Stay should be

denied.

Respectfully submitted this 12 day of October, 2004



A handwritten signature in cursive script, appearing to be 'JH', is written over a horizontal line.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided to the following parties this 22<sup>nd</sup> day of October, 2004 as follows:

(1) One (1) original and one (2) copy by Federal Express to Donald S. Clark

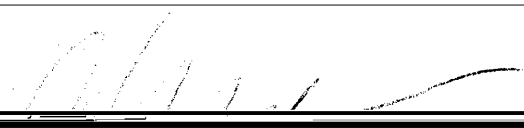
Secretary, Federal Trade Commission, Room H-159, 600 Pennsylvania Avenue, N.W., Washington, D.C., 20580;

(2) One (1) electronic copy via e-mail attachment in Adobe® “.pdf” format to the Secretary of the FTC at [Secretary@ftc.gov](mailto:Secretary@ftc.gov);

(3) Two (2) copies by Federal Express to Administrative Law Judge Stephen J. McGuire, Federal Trade Commission, Room H-104, 600 Pennsylvania Avenue N.W., Washington, D.C. 20580;

**CERTIFICATION FOR ELECTRONIC FILING**

I HEREBY CERTIFY that the electronic version of the foregoing is a true and correct copy of the original document being filed this same day of October 22<sup>nd</sup>, 2004 via Federal Express with the Office of the Secretary, Room H-159, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.



LEB:eric (leeanne) ETC@broadbandresponse Mot Stat ETCs Discovery Responses DOC