PUBLIC

UNITED STATES OF AMERICA

exclusion to redress the unspecified wrongs it alleges.

[redacted]

Complaint Counsel wishes, however, to be perfectly clear. Whatever NTSP is talking about, Complaint Counsel has provided NTSP with every document to which NTSP is entitled, and with one exception this was true prior to NTSP's having filed its motion.[1] With respect to NTSP's allegations of belated production, both Complaint Counsel and NTSP have occasionally been late in producing material due to the exigencies of litigation.[2] Complaint Counsel has at all

[redacted]

NTSP's motion is vague, nonspecific, speculative, and overly broad. NTSP's motion

timely basis (such as deposition testimony referring to certain unproduced documents). Indeed,

restriction on the ability of witnesses to testify fully and truthfully about matters within their knowledge improperly limits the ability of the Court to obtain a complete factual record on the key issues of the case. For example, the motion refers primarily to certain "cost and quality of [redacted]

CONCLUSION

For the reasons stated above, Complaint Counsel respectfully requests that NTSP's motion be denied in its entirety.

Respectfully submitted,

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Dated: April 2 , 2004

CERTIFICATE OF SERVICE

I, Gregory D. Cleveland, hereby certify that on 10 March, 2004, I caused a copy of the foregoing [redacted] document to be served upon the following:

Office of the Secretary
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
600 Pennsylvania Avenue, NW
Washington, D.C. 20580