

inappropriate. To the extent that the Joinder/Additional Arguments can be considered a reply, as it does purport to correct Complaint Counsel's assertions, the filing fails to comply with the requirements of Rule 3.22(c). 16 C.F.R. § 3.22(c) ("The moving party shall have no right to reply, except as permitted by the Administrative Law Judge or the Commission."). To the extent this filing is a motion, it is **DENIED**.

On November 16, 2005, Respondent, Friedlander, filed "Respondents' Mitchell."

even if the papers should have been disclosed, Respondents have not been genuinely prejudiced by this omission.

under these circumstances. Complaint Counsel further argues Respondents have not demonstrated good cause for opening discovery on this matter that is not reasonably expected to yield information relevant to the allegations of the complaint, to proposed relief, or to the defense of any respondent.

III.

A.

Rule 3.38 states that if a party fails to comply with an order, “the Administrative Law Judge . . . for the purpose of permitting resolution of relevant issues and disposition of the

later withdrawn from publication. Moreover, Respondents have failed to demonstrate prejudice stemming from the non-identification of these papers. Thus, Respondents have not met the Commission's standards for the sanctions they seek to have imposed on Complaint Counsel.

See 104 F.T.R. 2d at 440 (advice in favour of respondent complaint counsel inappropriate)

where delay in furnishing information was a product of a misunderstanding).

B.

As the alternative, Respondents seek leave to recover discovery for the admitted purposes for