DEC 1 6 2005

UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION

SECRETARY

	In the Matter of)		
	BASIC RESEARCH, L.L.C., A.G. WATERHOUSE, L.L.C., KLEIN-BECKER USA, L.L.C.,)))		
	NUTRASPORT, L.L.C.,		Docket No 9312.	
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consequence to this matter [and] not reasonably related to the allegations of the Complaint, to the proposed relief, or to the defenses of any respondent." Order Denying Resp'ts' Mot. for Leave to Add Expert Witness, Nov. 22, 2005, at 2. The Court recognized that "a party may not

that "[e]xtrinsic evidence on this collateral issue will not be permitted." *Id.* This Court denied Respondents' *Motion for Leave to Add an Expert Witness*, and also concluded that Respondents had failed to demonstrate cause for excluding Complaint Counsel's expert, sanctioning Complaint

inaccurate statement of fact, but Respondents advanced that contention in their own omnibus Motion and that contention was not material to the Court's decisions.

Respondent Friedlander's motions in limine and for reconsideration or certification are da Craine and margarize for many additional resease. First his additional motions are untimely

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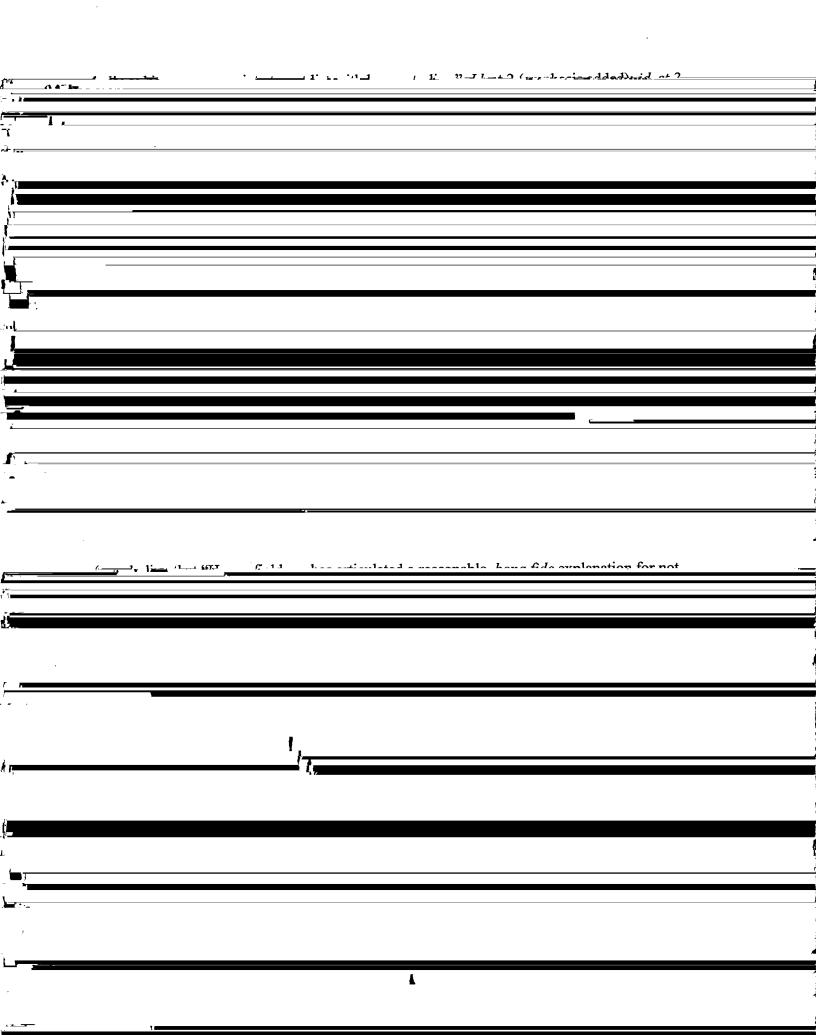
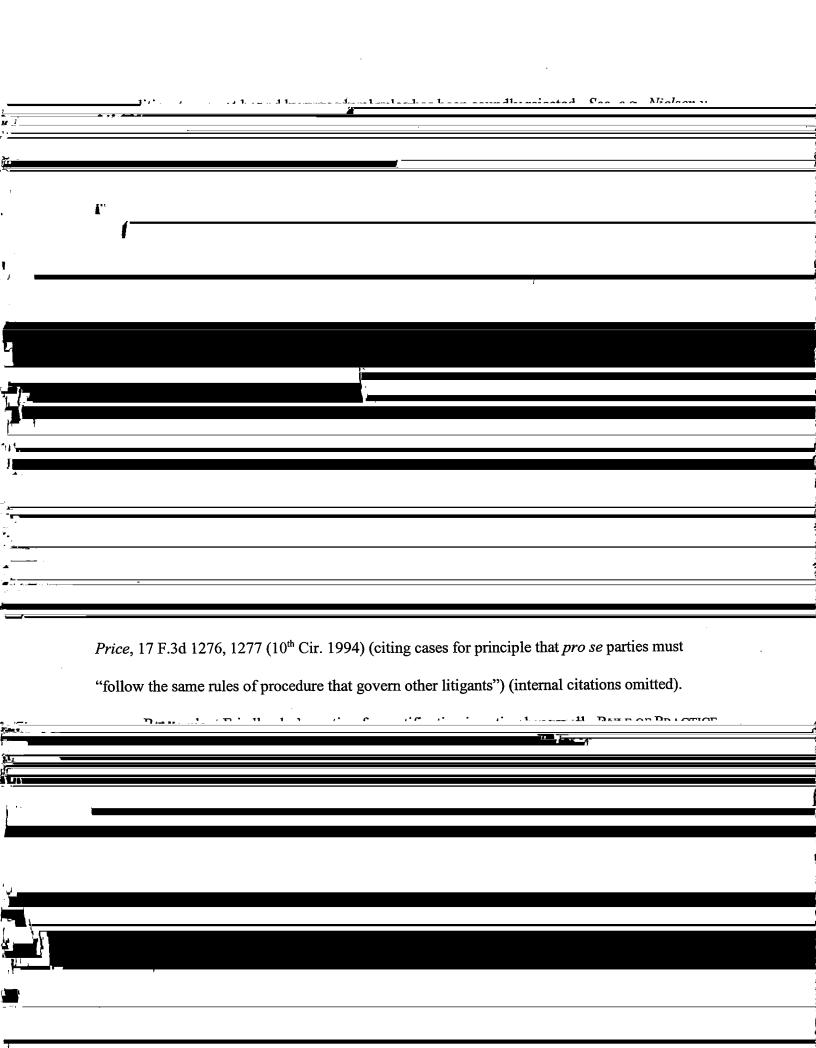


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	identifying studies that he understood to have been withdrawn from publication." <i>Id.</i> at 3. The
	Court's finding effectively dismissed Respondents' credibility arguments, without descending into
	the separate question of whether one expert or another would be found more credible or reliable
	after the hearing in this matter.
	Respondents claim unjust prejudice, but adverse rulings alone do not constitute such
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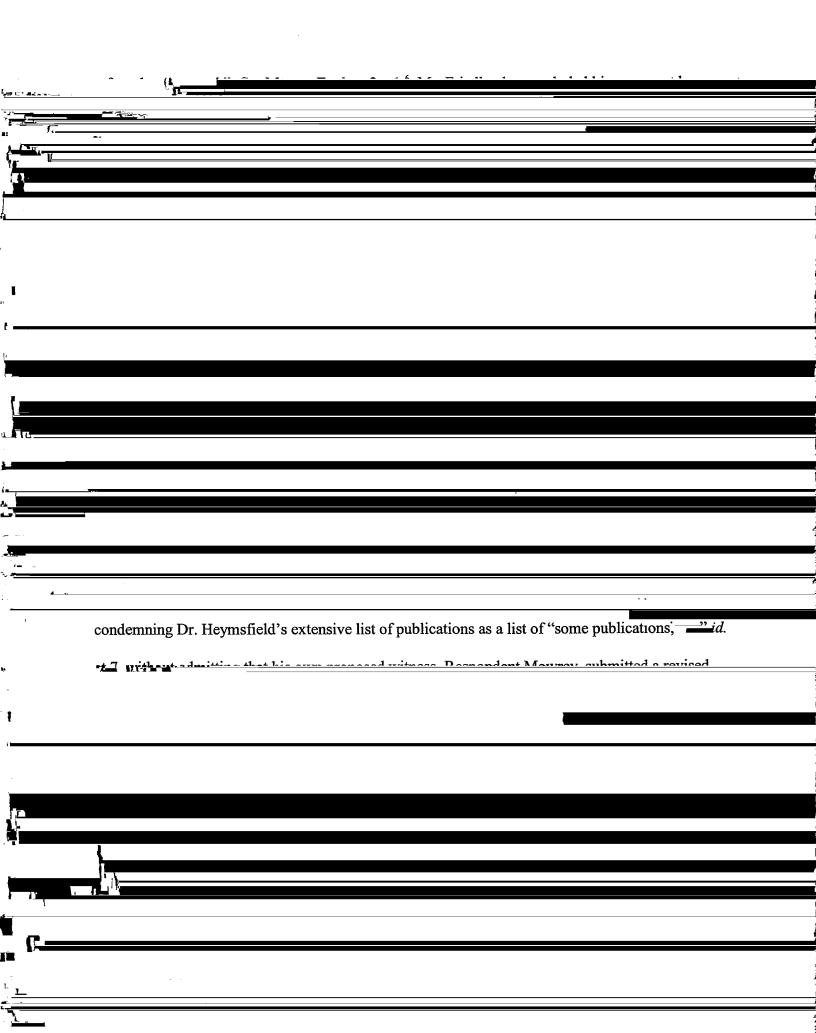
This Court has stated that the credibility of testifying experts in this matter will be assessed





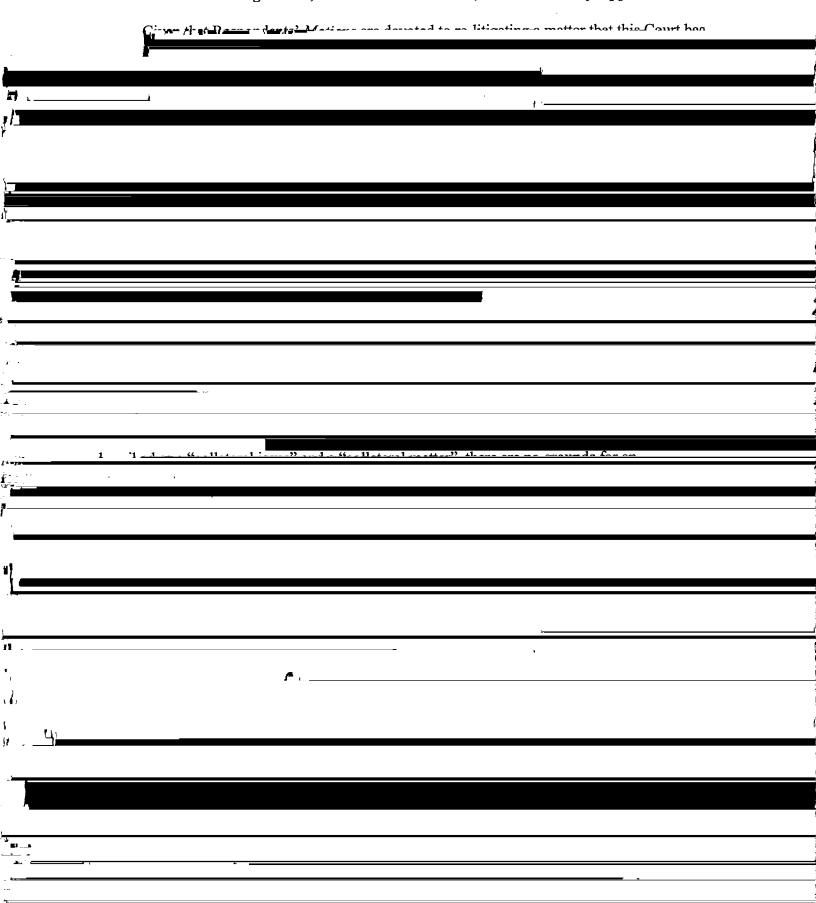
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. !	and t	ne Court Duly Considered	and Denied His <i>Mot</i>	ion	
	1	Mr Friedlander's Previo	ous <i>Motion</i> Was With	out Merit	

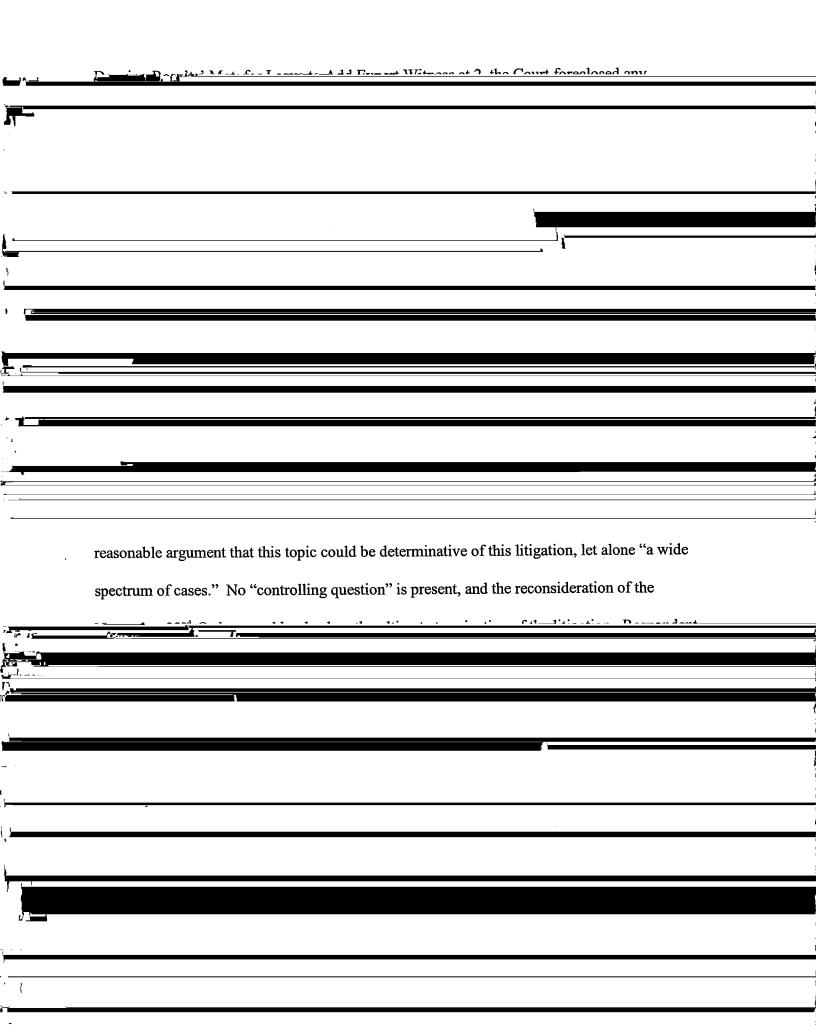
In his previous Motion, Respondent Friedlander belatedly joined Respondents' omnibus Motion to Exclude a Witness, advanced redundant and invalid sur-reply arguments, and did so improperly, without leave of Court, in the guise of a purported Motion for Sanctions submitted without conferring with Complaint Counsel.³ Respondent Friedlander's Motion failed to rebut the material facts. Instead, Mr. Friedlander offered schoolyard taunts. See Resp't Friedlander, Mot.



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	grounds. First, as a threshold issue, Respondent Friedlander is not entitled to raise this argument
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G. The Collateral Issue that Respondents Persist in Litigating is Not Eligible for, and Does Not Warrant, an Interlocutory Appeal





Respectfully submitted,

Laura Schneider

Laureen Kapin (202) 326-3237 Lemuel Dowdy (202) 326-2981 Walter C. Gross, III (202) 326-3319 Joshua S. Millard (202) 326-2454 Edwin Rodriguez (202) 326-3147

(202) 326-2604

Dated: December 16, 2005

Division of Enforcement Federal Trade Commission 600 Pennsylvania Avenue, N.W. Washington, D.C. 20580 Counsel Supporting the Complaint

ATTACHMENT A

© 2005 Thomson/West. No Claim to Orig. U.S. Govt. Works. 305 B.R. 762 305 B.R. 762 (Cite as: 305 B.R. 762) <KeyCite Citations> [2] Bankruptcy k3030 United States Bankruptcy Court, D. South Carolina. 51k3030 Application of local bankruptcy rule governing the In re Richardo J. MUNGO a/k/a Richardo Mungo thus, requirements of the rule are not subject to waiver No. C/A 03-06648-W. by a debtor absent court approval. [3] Bankruptcy k3030 Background: Rule to show cause was entered requiring Chapter 7 debtor, his local counsel, and his 51k3030 Local handmentary sula conversion the reconnecibilities

have no legal guidance, and ghost-writing taxes the motion to withdraw as counsel or otherwise advised Cir Proc Bule 11 28 HSC A - HS Bankr.Ct.Rules Rules of Prof.Conduct, Rules 3.3(a)(2), 8.4(d). 45k62 Ghost-writing occurs when a member of the bar 1143 N L0140

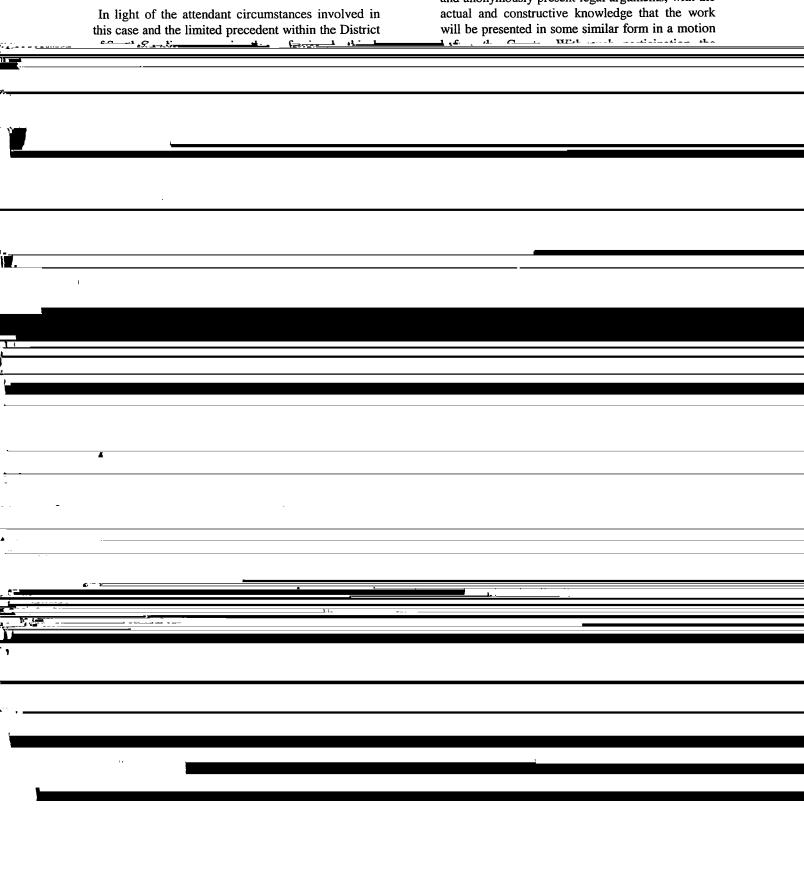
interest shall remain the responsible attorney of record for all purposes including the representation of the client at all hearings and in all matters that arise in conjunction with the case. Upon motion which details the reasons for the request for withdrawal and which details the portion of any retainer which has been earned, and after notice to the debtor, all creditors and parties in interest and a hearing the court may permit an attorney to

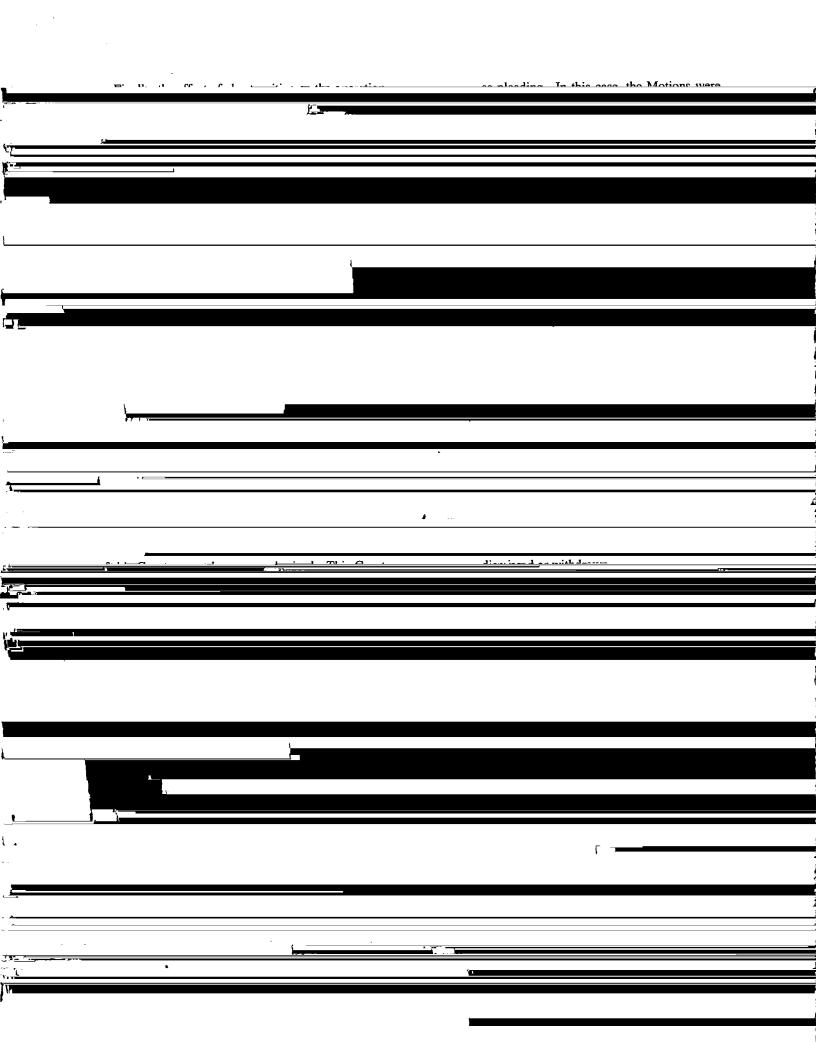
resources to correct. Finally, when litigants are properly represented they are more likely to obtain the full benefits of the bankruptcy laws and follow necessary procedures.

[4][5][6] In this case, the facts clearly demonstrate that McMaster violated this Local Rule. McMaster serves as an attorney of record in Mungo's personal Chapter 7 bankruptcy case. As local counsel,



pleadings is prohibited and may result in sanctions and possibly suspension or disbarment from practice before this Court. virtually every attorney licensed to practice law would be eligible for contempt proceedings. Attorneys cross the line, however, when they gather and anonymously present legal arguments, with the actual and constructive knowledge that the work will be presented in some similar form in a motion





CERTIFICATION OF REVIEWING OFFICIAL

I certify that I have reviewed the attached public filing. Complaint Counsel's Consolidated	
· 注意:::	
Opposition to Respondents' Motions for Reconsideration, Clarification, or Certification of November 22nd Orders Denying Respondents' Motions to Exclude an Expert, Sanction Counsel, Add a Witness, and Proper Discourse Prior to its filing to ensure the proper use and reduction of materials subject to the	
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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of December, 2005, I caused Complaint Counsel's Consolidated Opposition to Respondents' Motions for Reconsideration, Clarification, or Certification of

