

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of)
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UNIVERSAL COMPUTERS and)
ELECTRONICS, INC.,)
d/b/a Appliancebestbuys.com, and)
d/b/a universallcdtv.com,)
Respondent.)
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_____)

DOCKET NO. 9347

**ORDER GRANTING JOINT MOTION TO EXTEND TIME
FOR RESPONDENT TO RESPOND TO INTERROGATORIES AND
DOCUMENT REQUESTS AND TO AMEND SCHEDULING ORDER**

On July 13, 2011, the parties filed a Joint Motion to Extend Time for Respondent to Respond to Interrogatories and Document Requests and to Amend the Scheduling Order (“Joint Motion”), which was issued in this case on May 12, 2011.

Specifically, the parties jointly request: (1) an extension of the time for Respondent to provide any responses to Complaint Counsel’s First Request for Production of Documents and First Set of Interrogatories, by two weeks, from July 5 to July 19, 2011; (2) an extension of time to July 19, 2011 for Respondent’s counsel to provide its mandatory initial disclosures under Commission Rule of Practice 3.31(b), 16 C.F.R. § 3.31(b);¹ (3) an extension of the Scheduling Order deadline for Respondent to serve Complaint Counsel with its preliminary witness list and a summary of the proposed testimony, from June 22 to July 19, 2011; and (4) an extension of the Scheduling Order deadline for the issuance of discovery requests of two weeks, from July 15 to July 29, 2011, to permit Complaint Counsel to issue any follow-up document requests or interrogatories, based upon Respondent’s discovery responses.

¹ Rule 3.31(b) states in pertinent part: “Complaint counsel and respondent’s counsel shall, within 5 days of receipt of a respondent’s answer to the complaint and without awaiting a discovery request, provide to each other: (1) The name, and, if known, the address and telephone number of each individual likely to have discoverable information relevant to the allegations of the Commission’s complaint, to the proposed relief, or to the defenses of the respondent, as set forth in § 3.31(c)(1); and (2) A copy of, or a description by category and location of, all documents and electronically stored information including declarations, transcripts of investigational hearings and depositions, and tangible things in the possession, custody, or control of the Commission or respondent(s) that are relevant to the allegations of the Commission’s complaint, to the proposed relief, or to the defenses of the respondent . . .” The parties agree that Respondent’s counsel has not yet provided the mandatory initial disclosures.

Commission Rule of Practice 3.21(c)(2) provides that “[t]he Administrative Law Judge may, upon a showing of good cause, grant a motion to extend any deadline or time specified in this scheduling order other than the date of the evidentiary hearing . . . In determining whether to grant the motion, the Administrative Law Judge shall consider any extensions already granted, the length of the proceedings to date, the complexity of the issues, and the need to conclude the evidentiary hearing and render an initial decision in a timely manner.” 16 C.F.R. § 3.21(c)(2).

The parties state that the requested extensions would be the first extensions granted in this case, and assert that, if approved, the requested extensions would not affect the Scheduling Order’s fact discovery deadline of August 23, 2011, or the date for the commencement of the evidentiary hearing in this case, set for December 1, 2011. Based on the statements of the parties in their Joint Motion, the fact that the requested time extensions and amendments to the Scheduling Order would be the first amendments or extensions granted, and that the proposed amendments and extensions will not affect any other deadlines in the Scheduling Order, including the discovery deadline and the date for the evidentiary hearing, there is good cause to grant the extensions requested by the parties.

Accordingly, the Joint Motion is GRANTED and it is hereby ORDERED that Respondent shall have until July 19, 2011 to provide any responses to Complaint Counsel’s First Request for Production of Documents and First Set of Interrogatories, and for Respondent’s counsel to provide mandatory initial disclosures pursuant to Rule 3.31(b). It is further ORDERED that the Scheduling Order is amended as follows:

- July 19, 2011 - Respondent’s Counsel provides preliminary witness lists (not including experts) with a brief summary of the proposed testimony.
- July 29, 2011 - Deadline for Complaint Counsel to issue any additional document requests or interrogatories based upon Respondent’s responses and production of documents, except for discovery for purposes of authenticity and admissibility of exhibits.

Except as amended by this Order, all remaining dates and all additional provisions in the May 12, 2011 Scheduling Order are unchanged.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: July 15, 2011