

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

In the Matter of)	
)	
TELEBRANDS CORP.,)	
a corporation,)	
)	
TV SAVINGS, LLC,)	
a limited liability company, and)	Docket No. 9313
)	
AJIT KHUBANI,)	PUBLIC DOCUMENT
individually and as president of)	
Telebrands Corp. and sole member)	
of TV Savings, LLC.)	
)	

**COMPLAINT COUNSEL’S MOTION TO AMEND THEIR
TRIAL WITNESS LIST AND TO OBTAIN A SUBPOENA
AD TESTIFICANDUM FOR THE SUBSTITUTE WITNESS**

Pursuant To Paragraph 9 of the Court’s November 5, 2003 *Scheduling Order*, and RULE 3.34(a)(2) of the Federal Trade Commission’s RULES OF PRACTICE, Complaint Counsel respectfully request the Court’s permission to amend their trial witness list and substitute Mark Golden for Jiezl Pineda as the identified testifying representative of Cyber City Teleservices, Ltd. We respectfully request that the Court issue a subpoena to Mr. Golden so that he may be called to testify in this matter.¹

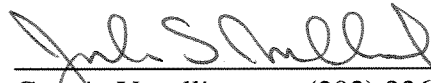
Complaint Counsel’s trial witness list identified Jiezl Pineda as the representative of Cyber City Teleservices, Ltd. who would testify at the hearing in this matter. In preparing to serve this Court’s subpoena *ad testificandum* upon Cyber City Teleservices, Ltd., we have learned that Ms. Pineda now resides in the Phillipines. Complaint Counsel has ascertained from Mr. Golden that he resides in the United States and would be available to testify at the hearing.

¹ Respondents’ counsel has not indicated whether they support this motion.

His anticipated testimony relates to the same subjects previously identified for Ms. Pineda—telemarketing services provided for the Ab Force, questions from customers interested in purchasing the Ab Force, and the authenticity of various documents submitted to the FTC.

For the reasons set forth above, Complaint Counsel respectfully request that this Court grant their motion to amend the trial witness list, substitute Mr. Golden for Ms. Pineda therein, and issue a subpoena *ad testificandum* for Mr. Golden. The proposed subpoena is attached.²

Respectfully submitted,



Connie Vecellio (202) 326-2966
Walter C. Gross (202) 326-3319
Joshua S. Millard (202) 326-2454
Amy M. Lloyd (202) 326-2394
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Dated: April 26, 2004

² The proposed subpoena identifies the date and time of the hearing as May 4, 2004, at 10:00a.m., as established in the Court's *Scheduling Order*. Complaint Counsel cannot identify the precise date and time of the witness' appearance at this time. The proposed subpoena states that the precise date and time of the witness' appearance will be determined, and will occur no later than two weeks after the commencement of trial.

APPENDIX A



United States of America
Federal Trade Commission

SUBPOENA

1. TO

Mark Golden
Cyber City Teleservices, Ltd.
Continental Plaza
Hackensack, NJ 07601
(800) 213-4144

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

2. LOCATION OF HEARING

Federal Trade Commission
600 Pennsylvania Ave., N.W., Room 532
Washington, D.C. 20580

3. DATE AND TIME OF HEARING

May 4, 2004, at 10:00 a.m.
(precise date and time of appearance to be determined)
(appearance will occur no later than May 17, 2004)

4. SUBJECT OF PROCEEDINGS

In the Matter of Telebrands Corp., et al., Docket No. 9313

5. RECORDS YOU MUST BRING WITH YOU

6. ADMINISTRATIVE LAW JUDGE

Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
Washington, D.C. 20580

7. COUNSEL REQUESTING SUBPOENA

Joshua S. Millard
Complaint Counsel
Federal Trade Commission
Washington, D.C. 20580

DATE ISSUED

ADMINISTRATIVE LAW JUDGE'S SIGNATURE

GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the motion must be filed with the Secretary of the Federal Trade Commission. Send one copy to the Requesting Counsel named in Item 7 and to all other parties prescribed in the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to Counsel listed in Item 7 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from Counsel listed in Item 7.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

RETURN OF SERVICE

I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)

- in person.*
- by registered mail.*
- by leaving copy at principal office or place of business, to wit:*

on the person named herein on:

(Month, day, and year)

(Name of person making service)

(Official title)

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of April, 2004, I caused *Complaint Counsel's Motion to Amend their Trial Witness List and to Obtain a Subpoenas Ad Testificandum for the Substitute Witness*, including the proposed subpoena, to be filed and served as follows:

- (1) the original and one (1) paper copy filed by hand delivery to:
Donald S. Clark, Secretary
Federal Trade Commission
600 Penn. Ave., N.W., Room H-159
Washington, D.C. 20580

- (2) two (2) paper copies served by hand delivery to:
The Honorable Stephen J. McGuire
Chief Administrative Law Judge
600 Penn. Ave., N.W. Room H-112
Washington, D.C. 20580

- (3) one (1) paper copy by first class mail and one (1) electronic copy via email to:
Edward F. Glynn, Jr., Esq.
Theodore W. Atkinson, Esq.
VENABLE LLP
575 Seventh St., N.W.
Washington, D.C. 20004



JOSHUA S. MILLARD