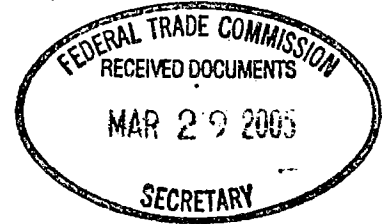


UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES



\_\_\_\_\_)  
In the Matter of )  
)  
)  
BASIC RESEARCH, LLC )  
A.G. WATERHOUSE, LLC )  
KLEIN-BECKER USA, LLC )  
NUTRASPORT, LLC )  
SOVAGE DERMALOGIC LABORATORIES, LLC )  
BAN, LLC d/b/a BASIC RESEARCH, LLC )  
    OLD BASIC RESEARCH, LLC, )  
    BASIC RESEARCH, A.G. WATERHOUSE, )  
    KLEIN-BECKER USA, NUTRA SPORT, and )  
    SOVAGE DERMALOGIC LABORATORIES )  
DENNIS GAY )  
DANIEL B. MOWREY d/b/a AMERICAN )  
    PHYTOTHERAPY RESEARCH LABORATORY, and )  
MITCHELL K. FRIEDLANDER, )  
    Respondents. )  
\_\_\_\_\_)

Docket No. 9318

**ORDER REQUIRING AMENDED PLEADINGS**

The parties have filed a number of pleadings with attachments wherein the entire pleading and attachments or entire sections of the pleading or the attachments are identified as being "subject to protective order" or "non-public document." These pleadings include: (1) Complaint Counsel's Partial Response to Respondents' Emergency Motion Requiring the Commission to Provide Respondents with Electronic Files, filed February 22, 2005; (2) Complaint Counsel's Supplemental Response to Respondents' Emergency Motion Requiring the Commission to Provide Respondents with Electronic Files, filed February 25, 2005; (3) Respondents' Motion for Order to Show Cause Why Complaint Counsel Should Not Be Held in Contempt, filed March 9, 2005; (4) Motion for Leave to Take Discovery Regarding Complaint Counsel's Violation of the Protective Order, filed March 9, 2005; (5) Respondents' Response to Order to Show Cause, filed March 16, 2005; and (6) Complaint Counsel's Consolidated Opposition to Respondents' Motion for Order to Show Cause Why Complaint Counsel Should Not Be Held in Contempt and Respondents' Motion for Leave to Take Discovery, filed March 21, 2005.


A review of these six pleadings indicates that the parties have designated as confidential facts, legal analysis, and arguments that are neither confidential nor subject to the Protective

Order Governing Discovery ("Protective Order") entered in this matter on August 11, 2004. The Federal Trade Commission strongly favors making available to the public the full record of its adjudicative proceedings to permit public evaluation of the fairness of the Commission's work and to provide guidance to persons affected by its actions. *In re Crown Cork & Seal Co., Inc.*, 71 F.T.C. 1714, 1714-15 (1967); *In re H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1186 (1961). The versions of these six pleadings on file do not comply with this mandate.

Accordingly, the parties are hereby **ORDERED** to submit amended pleadings and attachments by April 5, 2005 which comply with Rule 3.45(e). The complete version shall be marked "Subject to Protective Order" and shall identify by bold and braces only that limited information which is subject to the Protective Order (i.e.: "Company A's price was **{\$200,000}** while Company B's price was **{\$300,000}**"). The parties are not precluded from making public references to confidential information or general statements based on such information, so long as the actual content of material that is subject to the Protective Order is not disclosed. 16 C.F.R. § 3.45(d). The parties shall also file a public version of the amended pleadings as required by Commission Rule 3.45(e).

The parties shall not change the content of the pleadings other than to indicate in the title that it is an amended pleading. No additional briefing of the issues will be entertained.

ORDERED:

  
\_\_\_\_\_  
Stephen J. McGuire  
Chief Administrative Law Judge

Date: March 29, 2005