

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



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.,
SOVAGE DERMALOGIC LABORATORIES, L.L.C.,
d/b/a BASIC RESEARCH, L.L.C.,
OLD BASIC RESEARCH, L.L.C.,
BASIC RESEARCH, A.G. WATERHOUSE,
BAN, L.L.C.,
d/b/a 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

**REQUEST FOR ENLARGEMENT OF TIME TO PROVIDE
TRANSCRIBED TESTIMONY**

Respondents Basic Research, LLC, A.G. Waterhouse, LLC, Klein-Becker USA, LLC, Nutrasport, LLC, Sövage Dermalogic Laboratories, LLC, Ban, LLC, Dennis Gay, Daniel B. Mowrey, Ph.D and Mitchell K. Friedlander (collectively "Respondents"), by counsel and pursuant to Rule of Practice 3.22 request an enlargement of time of two weeks in which to provide transcribed testimony of the Expert Witnesses they have disclosed on October 13, 2004 pursuant to this Court's Scheduling Order and in support state:

1. This Court's Scheduling Order dated August 11, 2004, required Respondents to disclose Expert Witnesses by October 13, 2004. The Scheduling Order also required Respondents to furnish copies of any transcribed testimony of the disclosed experts.

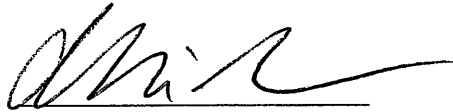
2. Respondents have furnished Complaint Counsel with their Expert Witness list as required by the Scheduling Order. They are unable, however, to provide transcribed testimony at present. The material is not readily accessible and Respondents are in the process of seeing that it is gathered. Also, Edward T.L. Popper has indicated that he possesses an unexpectedly large volume of transcripts and it will take the requested enlargement of time to arrange the copying of that material. Additionally, Dr. Mowery is in the process of searching his files to determine whether any transcripts exist for production.

3. This Extension is not requested for purpose of delay or any other improper reason. Respondents' Expert Witness reports are not due until November 29, 2004 and there is no immediate urgency to produce the transcribed testimony.

4. Pursuant to Section 3.22(f) of the Commission's Rules of Practice, Respondent has conferred with Complaint Counsel in a good faith effort to resolve this matter. Complaint Counsel has refused to agree to a two week extension but would agree to one week.

5. A proposed Order is attached.

Respectfully submitted,



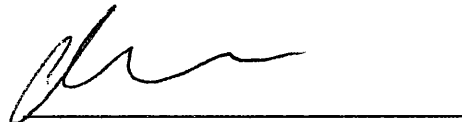
Jeffrey D. Feldman
Gregory L. Hillyer
Christopher P. Demetriades
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Miami, Florida 33131
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Attorneys for Respondents Basic Research, LLC,
A.G. Waterhouse, LLC, Klein-Becker USA, LLC,
Nutrasport, LLC, Sövage Dermalogic Laboratories,
LLC and Ban, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided to the following parties this 13th day of October, 2004 as follows:

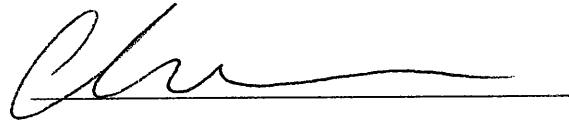
- (1) One (1) original and one (1) copy by Federal Express to Donald S. Clark, Secretary, Federal Trade Commission, Room H-159, 600 Pennsylvania Avenue, N.W., Washington, D.C., 20580;
- (2) One (1) electronic copy via e-mail attachment in Adobe® “.pdf” format to the Secretary of the FTC at Secretary@ftc.gov;
- (3) Two (2) copies by Federal Express to Administrative Law Judge Stephen J. McGuire, Federal Trade Commission, Room H-104, 600 Pennsylvania Avenue N.W., Washington, D.C. 20580;
- (4) One (1) copy via e-mail attachment in Adobe® “.pdf” format to Commission Complaint Counsel, Laureen Kapin, Joshua S. Millard, and Laura Schneider, all care of lkapin@ftc.gov, jmillard@ftc.gov; rrichardson@ftc.gov; lschneider@ftc.gov with one (1) paper courtesy copy via U. S. Postal Service to Laureen Kapin, Bureau of Consumer Protection, Federal Trade Commission, Suite NJ-2122, 600 Pennsylvania Avenue, N.W., Washington, D.C., 20580;
- (5) One (1) copy via U. S. Postal Service to Elaine Kolish, Associate Director in the Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580
- (6) One (1) copy via United States Postal Service to Stephen Nagin, Esq., Nagin Gallop & Figueredo, 3225 Aviation Avenue, Suite 301, Miami, Florida 33131.
- (7) One (1) copy via United States Postal Service to Richard Burbidge, Esq., Jefferson W. Gross, Esq. and Andrew J. Dymek, Esq., Burbidge & Mitchell, 215 South State Street, Suite 920, Salt Lake City, Utah 84111, Counsel for Dennis Gay.
- (8) One (1) copy via United States Postal Service to Ronald F. Price, Esq., Peters Scofield Price, A Professional Corporation, 340 Broadway Centre, 111 East Broadway, Salt Lake City, Utah 84111, Counsel for Daniel B. Mowrey.
- (9) One (1) copy via United States Postal Service to Mitchell K. Friedlander, 5742 West Harold Gatty Drive, Salt Lake City, Utah 84111, Pro Se.



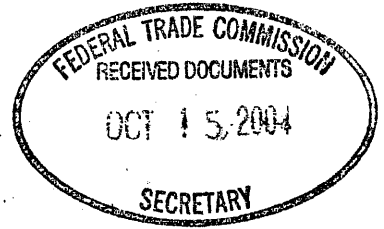
A handwritten signature in black ink, appearing to be 'D. S. Clark', is written above a solid horizontal line.

CERTIFICATION FOR ELECTRONIC FILING

I HEREBY CERTIFY that the electronic version of the foregoing is a true and correct copy of the original document being filed this same day of October 13, 2004 via Federal Express with the Office of the Secretary, Room H-159, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

A handwritten signature in black ink, appearing to be "C. L. W.", is written over a solid horizontal line.

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



In the Matter of

BASIC RESEARCH, L.L.C,
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MITCHELL K. FRIEDLANDER,

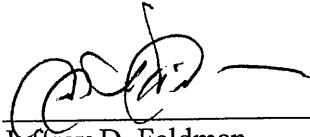
Respondents.

DOCKET NO. 9318

NOTICE OF FILING OF PROPOSED ORDER

Respondents Basic Research, LLC, A.G. Waterhouse, LLC, Klein-Becker USA, LLC, Nutrasport, LLC, Sövage Dermalogic Laboratories, LLC, Ban, LLC, Dennis Gay, Daniel B. Mowrey, Ph.D and Mitchell K. Friedlander (collectively "Respondents"), by and through counsel, hereby provides notice of filing its proposed Order to accompany its Request for Enlargement of Time to Provide Transcribed Testimony filed on October 13, 2004.

Respectfully submitted,



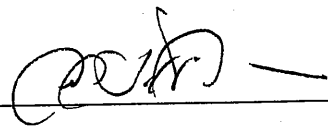
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Miami, Florida 33131
Tel: (305) 358-5001
Fax: (305) 358-3309

Attorneys for Respondents Basic Research, LLC,
A.G. Waterhouse, LLC, Klein-Becker USA, LLC,
Nutrasport, LLC, Söavage Dermalogic Laboratories,
LLC and Ban, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Correction was provided to the following parties this 14th day of October, 2004 as follows:

- (1) One (1) original and two (2) copy by Federal Express to Donald S. Clark, Secretary, Federal Trade Commission, Room H-159, 600 Pennsylvania Avenue, N.W., Washington, D.C., 20580;
- (2) One (1) electronic copy via e-mail attachment in Adobe® “.pdf” format to the Secretary of the FTC at Secretary@ftc.gov;
- (3) Two (2) copies by Federal Express to Administrative Law Judge Stephen J. McGuire, Federal Trade Commission, Room H-104, 600 Pennsylvania Avenue N.W., Washington, D.C. 20580;
- (4) One (1) copy via e-mail attachment in Adobe® “.pdf” format to Commission Complaint Counsel, Laureen Kapin, Joshua S. Millard, and Laura Schneider, all care of lkapin@ftc.gov, jmillard@ftc.gov; rrichardson@ftc.gov; lschneider@ftc.gov with one (1) paper courtesy copy via U. S. Postal Service to Laureen Kapin, Bureau of Consumer Protection, Federal Trade Commission, Suite NJ-2122, 600 Pennsylvania Avenue, N.W., Washington, D.C., 20580;
- (5) One (1) copy via U. S. Postal Service to Elaine Kolish, Associate Director in the Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580
- (6) One (1) copy via United States Postal Service to Stephen Nagin, Esq., Nagin Gallop & Figueredo, 3225 Aviation Avenue, Suite 301, Miami, Florida 33131.
- (7) One (1) copy via United States Postal Service to Richard Burbidge, Esq., Jefferson W. Gross, Esq. and Andrew J. Dymek, Esq., Burbidge & Mitchell, 215 South State Street, Suite 920, Salt Lake City, Utah 84111, Counsel for Dennis Gay.
- (8) One (1) copy via United States Postal Service to Ronald F. Price, Esq., Peters Scofield Price, A Professional Corporation, 340 Broadway Centre, 111 East Broadway, Salt Lake City, Utah 84111, Counsel for Daniel B. Mowrey.
- (9) One (1) copy via United States Postal Service to Mitchell K. Friedlander, 5742 West Harold Gatty Drive, Salt Lake City, Utah 84111, Pro Se.



CERTIFICATION FOR ELECTRONIC FILING

I HEREBY CERTIFY that the electronic version of the foregoing is a true and correct copy of the original document being filed this same day of October 14, 2004 via Federal Express with the Office of the Secretary, Room H-159, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

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DANIEL B. MOWREY,)
d/b/a AMERICAN PHYTOTHERAPY RESEARCH)
LABORATORY, and)
)
MITCHELL K. FRIEDLANDER)
)

DOCKET NO. 9318

**ORDER ON REQUEST FOR ENLARGEMENT OF TIME TO PROVIDE
TRANSCRIBED TESTIMONY**

THIS CAUSE came before the Administrative Law Judge for the Federal Trade Commission on Respondents' Request for Enlargement of Time ("Request for Enlargement") to provide transcribed testimony of their Expert Witnesses. Having carefully reviewed the Request for Enlargement and being otherwise fully advised in the premises, it is hereby

DOCKET NO. 9318

ORDERED AND ADJUDGED that Respondents' Request for Enlargement is hereby GRANTED. All Respondents shall have up to and including October 27, 2004 to provide transcripts of Respondents' Expert Witnesses disclosed on October 13, 2004.

DONE AND ORDERED this _____ day of October, 2004.

Stephen J. McGuire
Administrative Law Judge

Copies furnished to:
All counsel of record