## 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	Docket No. 9318
DANIEL B. MOWREY d/b/a AMERICAN PHYTOTHERAPY RESEARCH LABORATORY, and MITCHELL K. FRIEDLANDER, Respondents. )	

ORDER ON COMPLAINT COUNSEL'S MOTIONS FOR EXTENSION OF TIME TO FILE RESPONSES TO RESPONDENT GAY'S DISCOVERY REQUESTS, RESPONDENT BASIC RESEARCH'S THIRD MOTION TO COMPEL, AND RESPONDENT FRIEDLANDER'S DISCOVERY REQUESTS

On November 10, 2004, Complaint Counsel filed a motion for extension of time to file responses to Respondent Gay's discovery requests and Respondent Basic Research's third motion to compel. On November 12, 2004, Complaint Counsel filed a corrected version of the motion. On November 16, 2004, Basic Research filed an opposition to the motion. Respondent Gay does not oppose the extension. On November 19, 2004, Complaint Counsel filed a motion for extension of time to file responses to Respondent Friedlander's discovery requests. Complaint Counsel represents that Respondent Friedlander does not oppose the extension.

Complaint Counsel seeks an extension until December 1, 2004 to respond to the discovery requests of Respondents Gay and Friedlander and Basic Research's third motion to compel. Complaint Counsel argues that the extension is necessary because of the absence of lead counsel for two days to care for a sick family member and because of other deadlines in this matter. Basic Research contends that Complaint Counsel failed to make a good faith effort to

confer with opposing counsel, merely leaving a voice mail message the day prior to filing the motion. Basic Research, however, does not oppose an extension until November 24, 2004. Respondents Gay and Friedlander do not oppose the extension to December 1, 2004.

Complaint Counsel has not demonstrated good cause for a two week extension. Indeed, this issue should have been resolved between the parties without the Court's intervention. However, based on Respondents' agreements, Complaint Counsel's motion is **GRANTED** in part and **DENIED** in part. Complaint Counsel shall file its response to Respondent Basic Research's third motion to compel on or before November 24, 2004 and shall file a response to discovery requests of Respondents Gay and Friedlander on or before December 1, 2004.

ORDERED:

Stephen J. McGurre

Chief Administrative Law Judge

Date: November 22, 2004