

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.,  
    dba BASIC RESEARCH, L.L.C.,  
    OLD BASIC RESEARCH, L.L.C.,  
    BASIC RESEARCH, A.G. WATERHOUSE,  
BAN, L.L.C.,  
    dba KLEIN, BECKER, USA, NUTRA SPORT, and  
    SOVAGE DERMALOGIC LABORATORIES,  
DENNIS GAY,  
DANIEL B. MOWREY,  
    dba AMERICAN PHYTOTHERAPY RESEARCH  
    LABORATORY, and  
MITCHELL K. FRIEDLANDER,

Respondents.

**DOCKET NO. 9318**

**SECOND UNOPPOSED MOTION TO EXTEND TIME TO FILE RESPONSE TO  
COMPLAINT COUNSEL'S MOTION TO COMPEL**

Respondents, Basic Research, LLC, A.G. Waterhouse, LLC, Klein-Becker USA, LLC, Nutrasport, LLC, Sovage Dermalogic Laboratories, LLC, Ban, LLC, Dennis Gay, Daniel B. Mowrey, Ph.D., and Mitchell K. Friedlander (collectively, "Respondents"), pursuant to 16 C.F.R. § 4.3(b), by and through their counsel of record respectfully submit this Second Motion to Extend Time to File Response to Complaint Counsel's Motion to Compel Production of Respondents' Testifying Expert Lawrence Solan's Document dated December 13, 2004, and in support thereof, state as follows:

1. On December 13, 2004, Complaint Counsel for the Federal Trade Commission served its Motion to Compel Production of Respondents' Testifying Expert Lawrence Solan's Document. Respondents' opposition was due December 23, 2004.

2. On December 22, 2004, Respondents filed an Unopposed Motion to Extend Time to File Response to Complaint Counsel's Motion to Compel Production of Respondents' Testifying Expert Lawrence Solan's Document requesting an extension of time to and including December 29, 2004, within which to respond to Complaint Counsel's Motion to Compel Production of Respondents' Testifying Expert Lawrence Solan's Document.

3. Due to other pressing business matters, busy holiday travel schedules, pre-arranged family matters, and five depositions scheduled this week in the instant case, Respondents hereby request a second extension of time to and including January 6, 2005, within which to respond to Complaint Counsel's Motion.

4. Respondents stipulate and agree that this one-week extension of time to and including January 6, 2005, will not prejudice Complaint Counsel. Specifically, Respondents agree that in the event the Court ultimately grants Complaint Counsel's Motion, any witnesses deposed by Complaint Counsel in the week preceding the Court's ruling will be made available for further examination, limited in scope to the redacted portion of the Solan Document at issue.

5. Undersigned counsel has conferred with Complaint Counsel to discuss the relief sought in this Motion. Subject to the stipulation in paragraph 4 above, Complaint Counsel has no objection to granting Respondents the requested extension of time.

6. A proposed Order is attached hereto for the Court's convenience.

DATED this 29<sup>th</sup> day of December, 2004.

RESPECTFULLY SUBMITTED

BURBIDGE & MITCHELL

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RICHARD D. BURBIDGE  
Attorneys for Respondent Dennis Gay

Unopposed Motion

CERTIFICATE OF SERVICE

I hereby certify that on this 29<sup>th</sup> day of December, 2004, I caused the foregoing **SECOND UNOPPOSED MOTION TO EXTEND TIME TO FILE RESPONSE TO COMPLAINT COUNSEL'S MOTION TO COMPEL** to be filed and serviced as follows:

- (1) an original and two paper copies filed by Federal Express and one electronic copy in PDF format filed by electronic mail to:

Donald S. Clark, Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W. Room H-159  
Washington, DC 20580  
Email: [secretary@ftc.gov](mailto:secretary@ftc.gov)

- (2) one paper copy served by Federal Express to:

The Honorable Stephen J. McGuire  
Administrative Law Judge  
600 Pennsylvania Avenue, N.W., Room H-106  
Washington, DC 20580

- (3) one paper copy for first class U.S. Mail and one electronic copy in PDF format by electronic mail to:

Laureen Kapin  
Walter C. Gross  
Joshua S. Millard  
Robin M. Richardson  
Laura Schneider  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W., Suite NJ-2122  
Washington, DC 20580  
Email: [lkapin@ftc.gov](mailto:lkapin@ftc.gov)

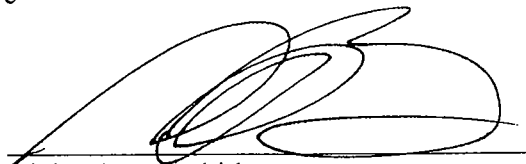
- (4) one paper copy by first class U.S. Mail to:

Elaine D. Kolish  
Associate Director, Enforcement  
Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Washington, DC 20580

Jeffrey D. Feldman  
Gregory L. Hillyer  
Christopher P. Demetriades  
FELDMANGALE, P.A.  
201 S. Biscayne Blvd.  
Miami, FL 33131

Ronald F. Price  
PETERS SCOFIELD PRICE  
310 Broadway Center  
111 East Broadway, #1100  
Salt Lake City, UT 84111

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116

A handwritten signature in black ink, appearing to read 'Richard D. Burbidge', written over a horizontal line.

Richard D. Burbidge  
Attorneys for Respondent Dennis Gay

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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BAN, L.L.C.,  
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DENNIS GAY,  
DANIEL B. MOWREY,  
    dba AMERICAN PHYTOTHERAPY RESEARCH  
    LABORATORY, and  
MITCHELL K. FRIEDLANDER,

Respondents.

**DOCKET NO. 9318**

**ORDER ON SECOND UNOPPOSED MOTION TO EXTEND TIME TO FILE  
RESPONSE TO COMPLAINT COUNSEL'S MOTION TO COMPEL  
PRODUCTION OF RESPONDENTS' TESTIFYING EXPERT LAWRENCE  
SOLAN'S DOCUMENT**

THIS CAUSE came before the Administrative Law Judge for the Federal Trade Commission on Respondents Basic Research, LLC, A.G. Waterhouse, LLC, Klein-Becker USA, LLC, Nutrasport, LLC, Sovage Dermalogic Laboratories, LLC, Ban, LLC, Dennis Gay, Daniel B. Mowrey, Ph.D., and Mitchell K. Friedlander's (collectively, "Respondents") Second Unopposed Motion to Extend Time to File Response to Complaint Counsel's Motion to Compel Production of Respondents' Testifying Expert

Lawrence Solan's Document ("Motion"). Having carefully reviewed the Motion, being made aware of the agreement of Complaint Counsel, and being otherwise fully advised in the premises, it is hereby

**ORDERED AND ADJUDGED** that Respondents' Motion is hereby GRANTED. The Respondents shall have to and including January 6, 2005, within which to serve their response to Complaint Counsel's Motion to Compel Production of Respondents' Testifying Expert Lawrence Solan's Document. Respondents, on or before January 6, 2005, shall overnight their response for filing the following business day with the Office of the Secretary of the Federal Trade Commission and fax a courtesy copy to these Chambers at telephone number 202-326-2427.

**DONE AND ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2004.

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Stephen J. McGuire  
Administrative Law Judge

Copies furnished to:  
All counsel of record

Order on Unopposed Motion

CERTIFICATE OF SERVICE

I hereby certify that on this 29<sup>th</sup> day of December, 2004, I caused the foregoing **ORDER ON SECOND UNOPPOSED MOTION TO EXTEND TIME TO FILE RESPONSE TO COMPLAINT COUNSEL'S MOTION TO COMPEL PRODUCTION OF RESPONDENTS' TESTIFYING EXPERT LAWRENCE SOLAN'S DOCUMENT** to be filed and serviced as follows:

- (1) an original and two paper copies filed by Federal Express and one electronic copy in PDG format filed by electronic mail to:

Donald S. Clark, Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W. Room H-159  
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- (4) one paper copy by first class U.S. Mail to:

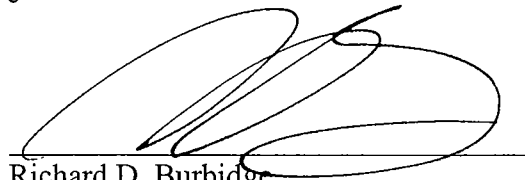
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Richard D. Burbidge  
Attorneys for Respondent Dennis Gay