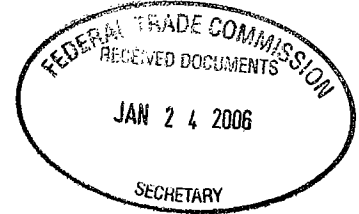


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
WASHINGTON, D.C.

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.**



PUBLIC

Docket No. 9318

**PARTIES' JOINT MOTION FOR ENLARGEMENT OF TIME FOR THE
SUBMISSION OF PRETRIAL BRIEFS**

Pursuant to the Federal Trade Commission's Rule of Practice 3.21(c)(2), Respondents and FTC Counsel hereby respectfully move for the enlargement of time for the submission of pretrial briefs, originally scheduled for filing on February 3, 2006 by the Second Revised Scheduling Order dated August 4, 2005. Respondents and FTC Counsel request that his Honor extend the submission deadline by one week to February 10, 2006. FTC Rule of Practice 3.21(c)(2) states that the "Administrative Law Judge may grant a motion to extend any deadline or time specified in [the] scheduling order only upon a showing of good cause." 16 C.F.R. § 3.21(c)(2). In the course of determining whether to grant the motion for enlargement of time, the "Administrative

Law Judge shall consider any extensions already granted, the length of the proceedings to date, and the need to conclude the evidentiary hearing and render an initial decision in a timely manner.” *Id.*

Good cause is demonstrated if a party seeking to extend a deadline demonstrates that a deadline cannot reasonably be met despite the diligence of the party seeking the extension. *Bradford v. Dana Corp.*, 249 F.3d 807, 809 (8th Cir. 2001); *Sosa v. Airprint Systems, Inc.*, 133 F.3d 1417, 1418 (11th Cir. 1998); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992); Fed. R. Civ. P. 16 Advisory Committee Notes (1983 amendment). His Honor has previously stated in an Order granting a joint motion for an extension, dated October 12, 2004, that “when requesting an extension based on good cause, the reasons therefore shall be specifically explained in the motion – general statements will not suffice.” Pursuant to this instruction, FTC Counsel and all Respondents present their reasons below.

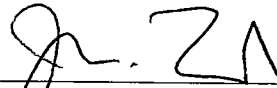
1. The size of the factual record in this case, over 61,000 pages, is extraordinary and cannot reasonably be evaluated in its entirety by the present deadline.
2. Counsel for both sides are still actively engaged in negotiating the reduction in the volume of exhibits and, so, the record upon which the findings will be drafted is uncertain.
3. Not all witnesses have been deposed. Transcripts from recent depositions are not yet in hand of FTC Counsel and Respondents’ Counsel.
4. All parties involved agree that a one week extension will not modify any pre-existing dates established in the Scheduling Order or materially alter the positions

of any of the parties. *See In re Dura Lube Corp.*, 1999 F.T.C. Lexis 250, *1 (July 21, 1999).

5. Good cause exists to justify this brief extension. The February 3, 2006 deadline does not provide sufficient time for the parties to complete the work necessary for full compliance with the pretrial brief requirements.

Good cause having been demonstrated, the parties respectfully request that his Honor extend the time for filing pretrial briefs to February 10, 2006.

Respectfully submitted,



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Division of Enforcement
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Dated: January 24, 2006

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
WASHINGTON, D.C.

In the Matter of

BASIC RESEARCH, LLC
A.G. WATERHOUSE, LLC
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 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.

PUBLIC

Docket No. 9318

**ORDER GRANTING PARTIES' JOINT MOTION FOR ENLARGEMENT OF
TIME FOR THE SUBMISSION OF PRETRIAL BRIEFS**

On January 24, 2006, FTC Counsel and Respondents filed a joint motion for enlargement of time for the submission of pretrial briefs. The parties requested that the submission deadline be extended by one week to February 10, 2006. Parties have demonstrated good cause for the extension of the pretrial brief filing deadline due to the volume of materials involved and the fact that there are outstanding depositions which need to be included in the record. Accordingly, FTC Counsel's and Respondents' joint motion is **GRANTED**.

It is hereby **ORDERED** that the Parties' Joint Motion for Enlargement of Time for the Submission of Pretrial Briefs is hereby granted, and the filing deadline is extended to February 10, 2006.

ORDERED:

Stephen J. McGuire
Chief Administrative Judge

Date: _____

**FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
WASHINGTON, D.C.**

In the Matter of

**BASIC RESEARCH, LLC
A.G. WATERHOUSE, LLC
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 **PHYTOTHERAPY RESEARCH
 LABORATORY, and**
MITCHELL K. FRIEDLANDER,
 Respondents.**

PUBLIC

Docket No. 9318

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January, 2006, I caused the Parties' Joint Motion for the Enlargement of Time for the Submission of Pretrial Briefs to be filed and served as follows:

- 1) an original and one paper copy filed by hand delivery and one electronic copy in PDF format filed by electronic mail to

Donald S. Clark
Secretary
U.S. Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room H-159
Washington, D.C. 20580
Email: secretary@ftc.gov

- 2) two paper copies delivered by hand delivery to:

The Hon. Stephen J. McGuire
Chief Administrative Law Judge
U.S. Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room H-112
Washington, D.C. 20580

3) one paper copy by first class U.S. Mail to:

James Kohm
Associate Director, Enforcement
U.S. Federal Trade Commission
601 New Jersey Avenue, N.W.
Washington, D.C. 20001

4) one paper copy by first class U.S. mail and one electronic copy in PDF format
by electronic mail to:

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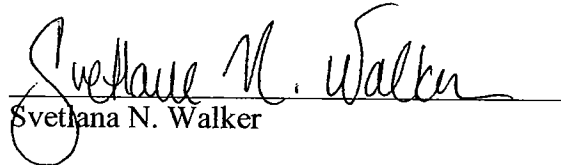
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