

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

In the Matter of	:	
BASIC RESEARCH, L.L.C., et al.,	:	Docket No. 9318
Respondents.	:	Public Document

RESPONDENTS' SECOND UNOPPOSED MOTION FOR EXTENSION OF TIME TO PROVIDE EXPERT REPORT OF DANIEL B. MOWREY, Ph.D., AND FOR COMPLAINT COUNSEL TO IDENTIFY REBUTTAL EXPERT AND PROVIDE REBUTTAL EXPERT REPORT REBUTTING MATTERS SET FORTH IN THE EXPERT REPORT OF DANIEL B. MOWREY, Ph.D.

Respondents move the Court for an additional extension of the time for Respondents to provide the expert report of Daniel B. Mowrey, Ph.D., and for Complaint Counsel to identify their rebuttal expert, if any, with respect to rebutting Dr. Mowrey's expert report, and to provide their rebuttal expert report rebutting matters set forth in Dr. Mowrey's expert report, and in support thereof state:

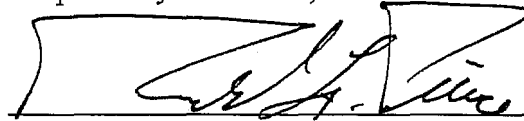
1. Pursuant to Rule of Practice 4.3, the Administrative Law Judge may extend any time limit prescribed by the Rules, and pursuant to Rule 3.21(c)(2) the Administrative Law Judge may extend or modify any deadline in the scheduling order upon a showing of good cause.
2. Pursuant to the Court's order granting Respondents' initial unopposed motion for extension of time to submit the expert witness report of Dr. Mowrey, Dr. Mowrey's expert witness report is due on Friday, 3 December 2004, with Complaint Counsel's rebuttal expert report rebutting matters set forth in Dr. Mowrey's report due on Friday, 17 December 2004.
3. Through this motion, Respondents seek an additional five (5) day extension of time to submit Dr. Mowrey's expert report.

4. On Wednesday, 1 December 2004, counsel for Dr. Mowrey, Ronald F. Price, discussed the relief sought in this request with Complaint Counsel Laureen Kapin and Josh Millar. Ms. Kapin represented that Complaint Counsel did not oppose the requested extension, and requested that Complaint Counsel be granted an extension with respect to their rebuttal report rebutting Dr. Mowrey's expert report, such that Complaint Counsel's rebuttal expert report would be due on Monday, 27 December 2004.

5. Good cause exists to justify the additional requested extension. As indicated in Respondents' initial motion for extension of time, Dr. Mowrey's wife has serious health problems, which health problems require that Dr. Mowrey dedicate many hours tending to the health needs of his wife. Those health problems have required Dr. Mowrey to dedicate more time than originally anticipated caring for and tending to his wife's health needs, and she has been required to undergo extensive medical tests during the week of 29 November 2004. Accordingly, Respondents request the additional brief five day extension to which Complaint Counsel has consented.

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

Respectfully submitted,



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Dated 1 December 2004.

Counsel for Respondent Daniel B. Mowrey

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **RESPONDENTS' SECOND UNOPPOSED MOTION FOR EXTENSION OF TIME TO PROVIDE EXPERT REPORT OF DANIEL B. MOWREY, PH.D., AND FOR COMPLAINT COUNSEL TO IDENTIFY REBUTTAL EXPERT AND PROVIDE REBUTTAL EXPERT REPORT REBUTTING MATTERS SET FORTH IN THE EXPERT REPORT OF DANIEL B. MOWREY, PH.D.** was provided to the following on this 17th day of December, 2004, as follows:

(1) the original and two (2) paper copies were sent via UPS, overnight delivery, and on 2 December 2004 one (1) electronic copy via email attachment in Adobe® “.pdf” format to: Donald S. Clark, Secretary, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Room H-159, Washington, D.C. 20580.

(2) on 1 December 2004, two (2) paper copies sent via UPS overnight delivery, to: The Honorable Stephen J. McGuire, Chief Administrative Law Judge, 600 Pennsylvania Avenue, N.W., Room H-104, Washington, D.C. 20580.

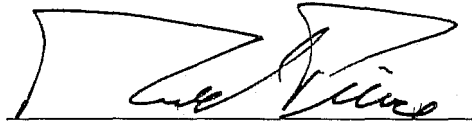
(3) One (1) copy via e-mail attachment in Adobe® “.pdf” format to Commission Complaint Counsel, Lauren Kapin, Joshua S. Millard, and Laura Schneider, all care of lkapin@ftc.gov, jmillard@ftc.gov; r-richardson@ftc.gov; l-schneider@ftc.gov with one (1) paper copy via U. S. Postal Service to Lauren Kapin, Bureau of Consumer Protection, Federal Trade Commission, Suite NJ-2122, 600 Pennsylvania Avenue, N.W., Washington, D.C., 20580.

(4) One (1) copy via United States Postal Service to Stephen Nagin, Esq., Nagin Gallop & Figueredo, 3225 Aviation Avenue, Suite 301, Miami, Florida 33131.

(5) 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.

(6) One (1) copy via United States Postal Service to Jeffrey D. Feldman FELDMANGALE, P.A. Miami Center - 19th Floor 201 S. Biscayne Boulevard, Miami, FL 33131, Counsel for Respondents A. G. Waterhouse, L.L. C., Klein-Becker, L.L. C., Nutrasport, L.L. C., Sovage, Dermalogic Laboratories, L.L. C., and BAN, L.L. C.

(7) One (1) copy via United States Postal Service to Mitchell K. Friedlander, 5742 West Harold Gatty Drive, Salt Lake City, Utah 84111, *pro se*.



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TO: The Honorable Stephen J. McGuire
Chief Administrative Law Judge

ORDER ON UNOPPOSED MOTION FOR EXTENSION OF TIME

On 2 December 2004, Respondents filed a second unopposed motion seeking to extend the deadline for Daniel B. Mowrey Ph.D. to submit his expert report. Respondents seek an additional five day extension from 3 December 2004 to 8 December 2004, based on the serious health problems of Dr. Mowrey's wife. Respondents represent that Complaint Counsel does not object to the extension but that Complaint Counsel requests an extension to 27 December 2004 to submit their rebuttal report rebutting Dr. Mowrey's expert report. Based upon the agreement of the parties and good cause, the motion is GRANTED.

ORDERED this _____ day of December, 2004.

Stephen J. McGuire
Administrative Law Judge

Copies furnished to:
All counsel of record