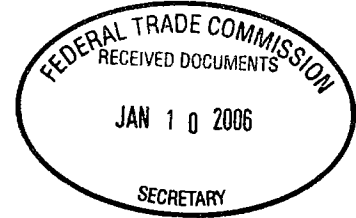


**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**



_____)
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.,)
BAN, L.L.C.,)
DENNIS GAY,)
DANIEL B. MOWREY, and)
MITCHELL K. FRIEDLANDER,)
)
Respondents.)
_____)

Docket No. 9318

PUBLIC DOCUMENT

**COMPLAINT COUNSEL'S MOTION
FOR THE ISSUANCE OF SUBPOENAS AD TESTIFICANDUM**

Pursuant to RULE 3.34(a)(2) of the Federal Trade Commission's RULES OF PRACTICE, Complaint Counsel make this motion for the issuance of subpoenas *ad testificandum* so that certain witnesses not affiliated with the Federal Trade Commission may be called to testify at the hearing in this matter.

Complaint Counsel's *Proposed Final Witness List*, served on November 8, 2005, sets forth the names and affiliations of the witnesses that Complaint Counsel may call to testify at the hearing in this matter. The *Final Witness List* summarizes the relevance of each witness' testimony, making the required showing of "reasonable relevancy" under RULE 3.34(a)(2). The *Witness List* also identifies the address of each witness, thereby demonstrating that the witnesses are located in the United States, and satisfying the requirement stated in Paragraph 12 of the Court's August 11, 2004 *Scheduling Order*.

Complaint Counsel respectfully request that this Court grant their motion for the issuance of subpoenas *ad testificandum*. The proposed subpoenas are attached.¹

Respectfully submitted,



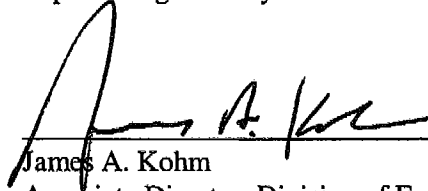
Laureen Kapin (202) 326-3237
Lemuel Dowdy (202) 326-2981
Walter C. Gross III (202) 326-3319
Joshua S. Millard (202) 326-2454
Edwin Rodriguez (202) 326-3147
Laura Schneider (202) 326-2604
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Dated: January 10, 2006

¹ For the convenience of the Court, the signature pages appear consecutively, followed by the blank return-of-service pages. The proposed subpoenas identify the date and time of the hearing as March 7, 2006, at 9:30a.m., as established in the Court's *Second Revised Scheduling Order*. As Complaint Counsel cannot identify the precise date and time of each witness' appearance at this time, the proposed subpoenas state that the precise date and time of each witness' appearance will be determined.

CERTIFICATION OF REVIEWING OFFICIAL

I certify that I have reviewed the attached public filing, *Complaint Counsel's Motion for the Issuance of Subpoenas Ad Testificandum*, prior to its filing to ensure the proper use and redaction of materials subject to the *Protective Order* in this matter and protect against any violation of that *Order* or applicable RULE OF PRACTICE.

A handwritten signature in black ink, appearing to read "James A. Kohm", written over a horizontal line.

James A. Kohm
Associate Director, Division of Enforcement
Bureau of Consumer Protection

APPENDIX A



United States of America
Federal Trade Commission

SUBPOENA

1. TO

Don Atkinson
10215 Buttercup Dr.
Sandy, Utah 84092

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

2. LOCATION OF HEARING

Federal Trade Commission
600 Pennsylvania Ave., N.W., Room 532
Washington, D.C. 20580

3. DATE AND TIME OF HEARING

March 7, 2006, at 9:30 a.m.
(precise date and time of appearance to be determined)

4. SUBJECT OF PROCEEDINGS

In the Matter of Basic Research LLC, et al., Docket No. 9318

5. RECORDS YOU MUST BRING WITH YOU

6. ADMINISTRATIVE LAW JUDGE

Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
Washington, D.C. 20580

7. COUNSEL REQUESTING SUBPOENA

Joshua S. Millard
Complaint Counsel
Federal Trade Commission
Washington, D.C. 20580

DATE ISSUED

ADMINISTRATIVE LAW JUDGE'S SIGNATURE

GENERAL INSTRUCTIONS

APPEARANCE

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TRAVEL EXPENSES

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United States of America
Federal Trade Commission

SUBPOENA

1. TO

Nathalie Chevreau
5742 West Harold Gatty Dr.
Salt Lake City, UT 841 16

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2. LOCATION OF HEARING

Federal Trade Commission
600 Pennsylvania Ave., N.W., Room 532
Washington, D.C. 20580

3. DATE AND TIME OF HEARING

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Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
Washington, D.C. 20580

7. COUNSEL REQUESTING SUBPOENA

Joshua S. Millard
Complaint Counsel
Federal Trade Commission
Washington, D.C. 20580

DATE ISSUED

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United States of America
Federal Trade Commission

SUBPOENA

1. TO

Jeff Davis
5742 West Harold Gatty Dr.
Salt Lake City, UT 84116

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

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Federal Trade Commission
600 Pennsylvania Ave., N.W., Room 532
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7. COUNSEL REQUESTING SUBPOENA

Joshua S. Millard
Complaint Counsel
Federal Trade Commission
Washington, D.C. 20580

DATE ISSUED

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United States of America
Federal Trade Commission

SUBPOENA

1. TO

Carla Fobbs
5742 Harold Gatty Dr.
Salt Lake City, UT 84116

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

2. LOCATION OF HEARING

Federal Trade Commission
600 Pennsylvania Ave., N.W., Room 532
Washington, D.C. 20580

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Chief Administrative Law Judge
Federal Trade Commission
Washington, D.C. 20580

7. COUNSEL REQUESTING SUBPOENA

Joshua S. Millard
Complaint Counsel
Federal Trade Commission
Washington, D.C. 20580

DATE ISSUED

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United States of America
Federal Trade Commission
SUBPOENA

1. TO

Mitchell K. Friedlander
5742 Harold Gatty Dr.
Salt Lake City, UT 84116

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Federal Trade Commission
600 Pennsylvania Ave., N.W., Room 532
Washington, D.C. 20580

3. DATE AND TIME OF HEARING

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(precise date and time of appearance to be determined)

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In the Matter of Basic Research LLC, et al., Docket No. 9318

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Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
Washington, D.C. 20580

7. COUNSEL REQUESTING SUBPOENA

Joshua S. Millard
Complaint Counsel
Federal Trade Commission
Washington, D.C. 20580

DATE ISSUED

ADMINISTRATIVE LAW JUDGE'S SIGNATURE

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United States of America
Federal Trade Commission
SUBPOENA

1. TO

Dennis Gay
5742 Harold Gatty Dr.
Salt Lake City, UT 84116

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

<p>2. LOCATION OF HEARING</p> <p>Federal Trade Commission 600 Pennsylvania Ave., N.W., Room 532 Washington, D.C. 20580</p>	<p>3. DATE AND TIME OF HEARING</p> <p>March 7, 2006, at 9:30 a.m. (precise date and time of appearance to be determined)</p>
--	--

4. SUBJECT OF PROCEEDINGS

In the Matter of Basic Research LLC, et al., Docket No. 9318

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<p>6. ADMINISTRATIVE LAW JUDGE</p> <p>Stephen J. McGuire Chief Administrative Law Judge Federal Trade Commission Washington, D.C. 20580</p>	<p>7. COUNSEL REQUESTING SUBPOENA</p> <p>Joshua S. Millard Complaint Counsel Federal Trade Commission Washington, D.C. 20580</p>
---	--

<p>DATE ISSUED</p>	<p>ADMINISTRATIVE LAW JUDGE'S SIGNATURE</p>
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United States of America
Federal Trade Commission
SUBPOENA

1. TO

Gina Gay
5742 Harold Gatty Dr.
Salt Lake City, UT 84116

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

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Federal Trade Commission
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Washington, D.C. 20580

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Complaint Counsel
Federal Trade Commission
Washington, D.C. 20580

DATE ISSUED

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United States of America
Federal Trade Commission
SUBPOENA

1. TO

Michael Meade
5742 West Harold Gatty Dr.
Salt Lake City, UT 84116

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600 Pennsylvania Ave., N.W., Room 532
Washington, D.C. 20580

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Federal Trade Commission
Washington, D.C. 20580

DATE ISSUED

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United States of America
Federal Trade Commission

SUBPOENA

1. TO
Daniel Mowrey
5742 Harold Gatty Dr.
Salt Lake City, UT 84116

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Federal Trade Commission
Washington, D.C. 20580

7. COUNSEL REQUESTING SUBPOENA

Joshua S. Millard
Complaint Counsel
Federal Trade Commission
Washington, D.C. 20580

DATE ISSUED

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United States of America
Federal Trade Commission

SUBPOENA

1. TO

Gary Sandberg
5742 Harold Gatty Dr.
Salt Lake City, UT 84116

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Washington, D.C. 20580

7. COUNSEL REQUESTING SUBPOENA

Joshua S. Millard
Complaint Counsel
Federal Trade Commission
Washington, D.C. 20580

DATE ISSUED

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United States of America
Federal Trade Commission

SUBPOENA

1. TO

Val Weight
5742 West Harold Gatty Dr.
Salt Lake City, UT 84116

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United States of America
Federal Trade Commission

SUBPOENA

1. TO

Jeffrey Lang
Potter, Katz, Postal & Ferguson
11300 Weddington St.,
North Hollywood, CA 91601

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

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Federal Trade Commission
600 Pennsylvania Ave., N.W., Room 532
Washington, D.C. 20580

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Federal Trade Commission
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United States of America
Federal Trade Commission

SUBPOENA

1. TO

Lori Jacobus
Potter, Katz, Postal & Ferguson
1 1300 Weddington St.,
North Hollywood, CA 91601

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MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the motion must be filed with the Secretary of the Federal Trade Commission. Send one copy to the Requesting Counsel named in Item 7 and to all other parties prescribed in the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to Counsel listed in Item 7 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from Counsel listed in Item 7.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.



United States of America
Federal Trade Commission

SUBPOENA

1. TO

Ynicsha Carter
1107 West 110th Street
Los Angeles, CA 90044

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

2. LOCATION OF HEARING

Federal Trade Commission
600 Pennsylvania Ave., N.W., Room 532
Washington, D.C. 20580

3. DATE AND TIME OF HEARING

March 7, 2006, at 9:30 a.m.
(precise date and time of appearance to be determined)

4. SUBJECT OF PROCEEDINGS

In the Matter of Basic Research LLC, et al., Docket No. 9318

5. RECORDS YOU MUST BRING WITH YOU

6. ADMINISTRATIVE LAW JUDGE

Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
Washington, D.C. 20580

7. COUNSEL REQUESTING SUBPOENA

Joshua S. Millard
Complaint Counsel
Federal Trade Commission
Washington, D.C. 20580

DATE ISSUED

ADMINISTRATIVE LAW JUDGE'S SIGNATURE

GENERAL INSTRUCTIONS

APPEARANCE

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United States of America
Federal Trade Commission
SUBPOENA

1. TO

Kevin Towers
US Postal Inspection Service
8403-A Lee Highway
Merrifield, VA 22082-8101

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

2. LOCATION OF HEARING

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600 Pennsylvania Ave., N.W.
Washington, D.C. 20580

3. DATE AND TIME OF HEARING

March 7, 2006, at 9:30a.m.
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RETURN OF SERVICE

I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)

- in person.*
- by registered mail.*
- by leaving copy at principal office or place of business, to wit:*

on the person named herein on:

(Month, day, and year)

(Name of person making service)

(Official title)

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 2006, I caused *Complaint Counsel's Motion for the Issuance of Subpoenas Ad Testificandum*, including the proposed subpoenas, to be filed and served as follows:

- (1) the original, two (2) paper copies filed by hand delivery and one (1) electronic copy via email to:
Donald S. Clark, Secretary
Federal Trade Commission
600 Penn. Ave., N.W., Room H-159
Washington, D.C. 20580
- (2) two (2) paper copies served by hand delivery to:
The Honorable Stephen J. McGuire
Chief Administrative Law Judge
600 Penn. Ave., N.W., Room H-104
Washington, D.C. 20580
- (3) one (1) electronic copy via email and one (1) paper copy by first class mail to the following persons:

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(305) 854-5351 (fax)
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For Respondents
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Basic Research, LLC,
Klein-Becker USA, LLC,
Nutrasport, LLC, Sovage
Dermalogic Laboratories,
LLC, and BAN, LLC

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Peters Scofield Price
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(801) 517-7108 (fax)
Respondent
mkf555@msn.com


COMPLAINT COUNSEL