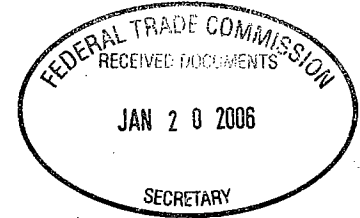


UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



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 UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO REVISED MOTION FOR *IN CAMERA* TREATMENT**

Complaint Counsel respectfully move for an enlargement of time, from January 27, 2005 to February 10, 2006, to respond to Respondents' recently-submitted *Revised Motion for In Camera Treatment*. Respondents' counsel have indicated that they do not oppose this motion. The following facts support granting the requested extension of time:

1. On December 5, 2005, the Court issued an *Order* denying, without prejudice, Respondents' motion for in camera treatment of eight boxes of documents. In that *Order*, the Court granted Respondents' until January 13, 2006, nearly six weeks, to revise their motion. The Court's *Order* also revised the due date for Complaint Counsel's anticipated response. The revised due date is January 27, 2006, two weeks from Respondents' Court-mandated deadline.
2. Respondents did not timely serve Complaint Counsel with their revised motion for *in camera* treatment. Respondents emailed Complaint Counsel an electronic copy of their 20-page

motion, their 200+ page declaration in support thereof, and assorted tables, after the expiration of the extended deadline, on Saturday, January 14, 2006. Given the intervening holiday on January 16, 2006, Complaint Counsel did not receive the electronic copy of the motion until January 17, 2006.

2. Thereafter, on Tuesday, January 17, 2006, Complaint Counsel received nine boxes of documents from Respondents. These boxes appear to contain copies of the documents that are the subject of Respondents' revised motion. RULE 3.45 provides that motions for *in camera* treatment "must *include* an attachment containing a copy of each page of the document in question." RULE 3.45(b). We did not receive these documents until Tuesday, January 17, 2006.

4. The nine boxes of documents delivered this week to Complaint Counsel indicate that Respondents' submission, and the scope of their requested *in camera* determination, remains quite large.

5. Concurrent with reviewing these voluminous documents, Complaint Counsel are engaged in drafting a pretrial brief and responses to two motions filed by Respondents on January 18, 2006, including another motion to certify an order for interlocutory appeal.

6. Although Respondents received six weeks to revise their motion for *in camera* treatment, Complaint Counsel's corresponding time to respond to that motion was reduced from approximately four weeks to two. The *Second Revised Scheduling Order* originally provided Complaint Counsel with approximately four weeks to respond. *See Order*, Aug. 4, 2005, at 2. Absent an extension of time, Complaint Counsel will have ten days—at present, eight days—to respond to Respondents' voluminous submission.

7. Given Respondents' late submission of their motion and documents, the sheer volume of their submission, the pendency of other matters that must be fully briefed for the Court,

Complaint Counsel require additional time to compose a comprehensive response and opposition filing.

8. Granting Complaint Counsel additional time will relieve the prejudice currently facing Complaint Counsel. It will also provide the Court with the benefit of a thorough review and may help expedite the decisional process. A ruling later in February will still provide the parties with adequate time to make any necessary logistical preparations for trial.

9. Pursuant to RULE OF PRACTICE 4.3, the Administrative Law Judge may extend any time limit prescribed or allowed by the Rules. For each of the reasons set forth above, Complaint Counsel respectfully request an extension of time, not to exceed two weeks, to February 10, 2006, for the submission of Complaint Counsel's response and opposition to Respondents' large and late motion for *in camera* treatment.

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

Respectfully submitted,



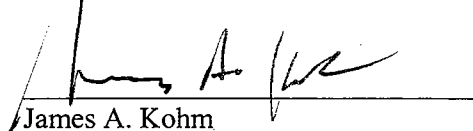
Lauren Kapin	(202) 326-3237
Lemuel Dowdy	(202) 326-2981
Walter C. Gross, III	(202) 326-3319
Joshua S. Millard	(202) 326-2454
Edwin Rodriguez	(202) 326-3147
Laura Schneider	(202) 326-2604

Dated: January 20, 2006

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

CERTIFICATION OF REVIEWING OFFICIAL

I certify that I have reviewed the attached public filing, *Complaint Counsel's Motion for Extension of Time to File Response and Opposition to Respondents' Motion for In Camera Treatment*, 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", is written over a horizontal line.

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

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

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

**ORDER GRANTING COMPLAINT COUNSEL'S MOTION FOR EXTENSION
OF TIME TO FILE RESPONSE AND OPPOSITION TO RESPONDENTS'
REVISED MOTION FOR *IN CAMERA* TREATMENT**

Complaint Counsel have moved for an enlargement of time, from January 27, 2005 to February 10, 2006, to file their response to Respondents' recently-submitted Revised Motion for In Camera Treatment. Respondents consent. Based on the size of Respondents' submission, the pendency of other matters that must be fully briefed for the Court, and other factors set forth in the motion, it appears that Complaint Counsel reasonably require additional time to compose a comprehensive response. It is therefore ordered that Complaint Counsel's motion for an enlargement of time, to February 10, 2006, to file their response to Respondents' revised motion for in camera treatment is **GRANTED**.

ORDERED:

Date:

Stephen J. McGuire
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of January, 2006, I caused *Complaint Counsel's Motion for Extension of Time to File Response and Opposition to Respondents' Motion for In Camera Treatment* to be served and filed 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-135
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:

Stephen E. Nagin
Nagin Gallop Figuero P.A.
3225 Aviation Ave.
Miami, FL 33133-4741
(305) 854-5353
(305) 854-5351 (fax)
snagin@ngf-law.com
For Respondents

Mitchell K. Friedlander
5742 West Harold Gatty Dr.
Salt Lake City, UT 84116
(801) 517-7000
(801) 517-7108 (fax)
mkf555@msn.com
Respondent

Ronald F. Price
Peters Scofield Price
310 Broadway Centre
111 East Broadway
Salt Lake City, UT 84111
(801) 322-2002
(801) 322-2003 (fax)
rfp@psplawyers.com
For Respondent Mowrey

Richard D. Burbidge
Burbidge & Mitchell
215 S. State St., Suite 920
Salt Lake City, UT 84111
(801) 355-6677
(801) 355-2341 (fax)
rburbidge@burbidgeandmitchell.com
For Respondent Gay

Jonathan W. Emord
Emord & Associates, P.C.
1800 Alexander Bell Dr. #200
Reston, VA 20191
(202) 466-6937
(202) 466-6938 (fax)
jemord@emord.com
**For Respondents Klein-Becker
USA, LLC, A.G. Waterhouse,
LLC, Basic Research, LLC,
Nutrasport, LLC, Sovage
Dermalogic Laboratories,
LLC, and BAN, LLC**


COMPLAINT COUNSEL