

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

In the Matter of)
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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.)
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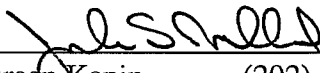
Docket No. 9318

PUBLIC VERSION

**COMPLAINT COUNSEL'S MOTION TO COMPEL
PRODUCTION OF DOCUMENTARY MATERIALS
AND ANSWERS TO INTERROGATORIES**

Pursuant to RULES OF PRACTICE 3.22 and 3.38(a), Complaint Counsel respectfully move for an *Order* compelling the production of documentary materials and answers to interrogatories responsive to Complaint Counsel's *First Request For Production of Documentary Materials and Tangible Things* and *First Set of Interrogatories* to Respondents. This motion is supported by the accompanying Memorandum of Law, RULE 3.22(f) Statement, and proposed *Order*.

Respectfully submitted,



Laureen Kapin (202) 326-3237
Joshua S. Millard (202) 326-2454
Robin M. Richardson (202) 326-2798
Laura Schneider (202) 326-2604

Division of Enforcement
Bureau of Consumer Protection
Federal Trade Commission
601 Pennsylvania Ave., N.W.
Washington, D.C. 20580
Counsel Supporting the Complaint

[Public Version]

Dated: December 13, 2004

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

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MITCHELL K. FRIEDLANDER,)	
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Respondents.)	

**COMPLAINT COUNSEL’S MEMORANDUM IN SUPPORT OF MOTION
TO COMPEL PRODUCTION OF DOCUMENTARY MATERIALS
AND ANSWERS TO INTERROGATORIES**

Complaint Counsel respectfully submit this *Memorandum* in support of our *Motion to Compel Production of Documentary Materials and Answers to Interrogatories*. The *Motion* and *Memorandum* concern Complaint Counsel’s very first set of discovery requests, which seek documents and information highly relevant to our case-in-chief. After protracted discussion, Respondents have declined to turn over all evidence and information responsive to our first discovery requests. Respondents’ continued failure to fully comply with our early discovery requests is wholly unjustified. For the reasons set forth below, this Court should issue an *Order* compelling Respondents to fully comply with these document requests and interrogatories.

BACKGROUND

On June 15, 2004, the Commission filed the *Complaint* in this matter, alleging, *inter alia*,

that Basic Research LLC and other related individuals and companies (collectively, "Respondents") marketed certain dietary supplements with unsubstantiated claims for fat loss and/or weight loss, and falsely represented that some of these products were clinically proven to be effective, in violation of Sections 5(a) and 12 of the Federal Trade Commission Act ("FTC Act"). Respondents have denied these allegations. *See, e.g.*, Answer, Resp't Basic Research at 1-12 (July 30, 2004).

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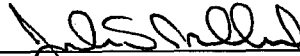
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Washington, D.C. 20580

Counsel Supporting the Complaint

[Public Version] Dated: December 13, 2004

CERTIFICATE OF SERVICE

I certify that on December 13, 2004, I caused the Public Version of *Complaint Counsel's Motion to Compel Production of Documentary Materials and Answers to Interrogatories* to be served and filed:

- (1) the original, and one paper copy 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
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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