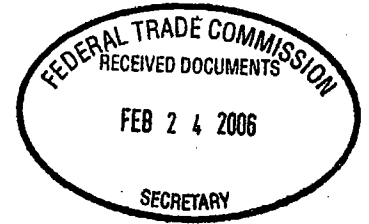


**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**



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 FILE PUBLIC VERSIONS
OF PRETRIAL BRIEF, PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW, AND OPPOSITION TO SECOND
REVISED MOTION FOR IN CAMERA TREATMENT**

Complaint Counsel move for a brief enlargement of the time, until this upcoming Monday, February 27, 2006, to file public versions of Complaint Counsel's Pretrial Brief, Complaint Counsel's Proposed Findings of Fact and Conclusions of Law, and Complaint Counsel's Opposition to Respondents' Second Revised Motion for In Camera Treatment. Respondents do not oppose. This enlargement will not affect any other pre-trial deadline or the date for the impending hearing in this matter. The following facts support granting this enlargement:

1. On February 10, 2006, Complaint Counsel filed their Pretrial Brief and Proposed Findings of Fact and Conclusions of Law. On that date, in the interest of avoiding any inadvertent disclosures of confidential information in the public record version of the

documents, Complaint Counsel sent all Respondents an email informing Respondents that Complaint Counsel had placed information in the documents that was subject to the Protective Order in brackets and boldface, and requesting that Respondents advise us immediately if they believed that any information subject to the Protective Order was not clearly designated.

2. Although Complaint Counsel may disagree with Respondents about what information is subject to the Protective Order and what information Complaint Counsel have gleaned through publicly-available sources, Complaint Counsel wish to avoid unnecessary disputes and concentrate on the issues to be tried in a few days.

3. As detailed in our previous motion to extend the time for filing the public version of Complaint Counsel's pretrial brief and proposed findings of fact and conclusions of law, Complaint Counsel contacted Respondent Gay's Counsel, Mr. Burbidge, to verify whether Respondents were in agreement with Complaint Counsel about the designations. Respondents contacted Complaint Counsel on Thursday, February 16th, and mid-morning on Friday, February 17th, transmitting the first of what appeared to be requests for extensive changes.

4. Later on February 17th, Respondents indicated that they would need additional time to complete their review of the documents and transmit their requests to Complaint Counsel. Given the anticipated delay in receiving the requested changes, and the anticipated breadth of the changes, Complaint Counsel filed a motion on February 17th seeking a brief extension of time to today, February 24th. By *Order* dated February 21st, the Court granted that motion. *See Order*, Feb. 21, 2006 at 1.

5. Respondents' counsel sent emails with additional requested changes on Sunday, February 19th. Complaint Counsel received Respondents' additional requested changes in several parts, including Adobe PDF format file(s) and two Microsoft Excel spreadsheets. Due to the breadth

and formatting of the requested changes, it has taken more time than previously anticipated for Complaint Counsel to review the changes and incorporate them as appropriate, and to prepare the public versions of those filings. Additionally, during this time period, Complaint Counsel have been engaged in time-consuming trial preparation activities as well as continued discussions with Respondents' counsel. We have also been compiling disputed exhibits for the Court's convenience during next week's conference in this matter. Given the breadth and formatting of the requested changes, and the other circumstances recited above, it would be most difficult for Complaint Counsel to prepare all of the public documents for filing today.

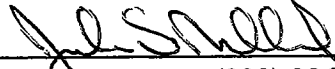
6. Pursuant to RULE OF PRACTICE 4.3, the Administrative Law Judge may extend any time limit prescribed or allowed by the Rules.

7. On February 24, 2006, the staff discussed the relief sought in this motion with Respondent Gay's counsel, Mr. Shelby, who indicated that Respondents would not oppose this motion.

8. Complaint Counsel respectfully submit that good cause exists for the requested extension. We request that the Court grant the short requested extension. A proposed order is attached hereto for the Court's convenience.

Date: February 24, 2006

Respectfully submitted by:



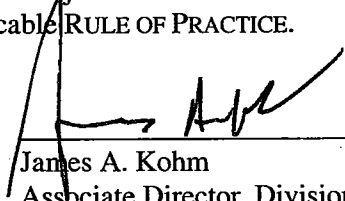
Laureen Kapin	(202) 326-3237
Lemuel Dowdy	(202) 326-2981
Walter C. Gross, III	(202) 326-3319
Joshua S. Millard	(202) 326-2454
Edwin Rodriguez	(202) 326-3147
Laura Schneider	(202) 326-2604

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

COUNSEL SUPPORTING THE COMPLAINT

CERTIFICATION OF REVIEWING OFFICIAL

I certify that I have reviewed the attached public filing, Complaint Counsel's *Unopposed Motion For Extension of Time to File Public Versions of Pretrial Brief, Proposed Findings of Fact and Conclusions of Law, and Opposition to Second Revised 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.



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

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of February, 2006, I caused *Complaint Counsel's Unopposed Motion for Extension of Time to File Public Versions of Complaint Counsel's Pretrial Brief and Proposed Findings of Fact and Conclusions of Law, and Opposition to Second Revised 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
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:

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

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

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

For Respondents
A.G. Waterhouse, LLC,
Klein-Becker USA, LLC,
Nutrasport, LLC, Sovage
Dermalogic Laboratories,
LLC, and BAN, LLC

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

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


COMPLAINT COUNSEL

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

In the Matter of)
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Docket No. 9318

PUBLIC DOCUMENT

**ORDER ON COMPLAINT COUNSEL'S UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE PUBLIC VERSIONS OF COMPLAINT COUNSEL'S PRETRIAL BRIEF AND
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

THIS CAUSE came before the Administrative Law Judge on *Complaint Counsel's Unopposed Motion for Extension of Time to File Public Versions of Complaint Counsel's Pretrial Brief and Proposed Findings of Fact and Conclusions of Law, and Opposition to Second Revised Motion for In Camera Treatment*. Having reviewed the *Motion*, and good cause having been shown, it is ORDERED that Complaint Counsel's Unopposed Motion for Extension of Time is GRANTED. Complaint Counsel shall have up to and including February 27, 2006 to file public versions of the documents.

DONE AND ORDERED this ____ day of February, 2006.

Stephen J. McGuire
Administrative Law Judge

Copies furnished to:
All counsel of record

