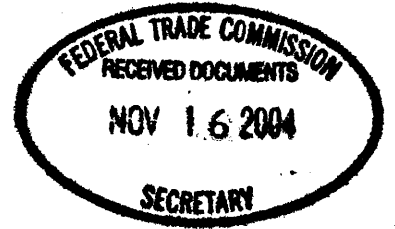


UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



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.,
d/b/a BASIC RESEARCH, L.L.C.,
OLD BASIC RESEARCH, L.L.C.,
BASIC RESEARCH, A.G. WATERHOUSE,
BAN, L.L.C.,
d/b/a KLEIN-BECKER USA, NUTRA SPORT, and
SOVAGE DERMALOGIC LABORATORIES,
DENNIS GAY,
DANIEL B. MOWREY,
d/b/a AMERICAN PHYTOTHERAPY RESEARCH
LABORATORY, and
MITCHELL K. FRIEDLANDER

Respondents.

DOCKET NO. 9318

**RESPONDENTS' OPPOSITION TO COMPLAINT COUNSEL'S MOTION FOR
EXTENSION OF TIME TO FILE RESPONSES TO RESPONDENT DENNIS GAY'S
DISCOVERY AND TO RESPOND TO BASIC RESEARCH'S MOTION TO COMPEL**

Respondent, Basic Research, LLC ("Basic Research") respectfully requests that Complaint Counsel's motion to extend Complaint Counsel's time to respond to Basic Research's Motion to Compel from November 17, 2004, to December 1, 2004 be denied and in support thereof states as follows:

1. On November 5, 2004, Basic Research served a Motion to Compel on Complaint Counsel seeking an order compelling Complaint Counsel to provide answers or clearer answers

to Basic Research's First Request for Admissions. Complaint Counsel's response is therefore due on November 17, 2004.

2. On November 9, 2004, Complaint Counsel, Robin M. Richardson, left a single telephone message for Respondents' counsel, Jeffrey D. Feldman, regarding the Commission's motion for an extension of time. Without waiting to speak with Mr. Feldman about an extension of time, Complaint Counsel filed the motion now before the Court. Such a last minute, half-hearted attempt to request an extension of time cannot be considered a good faith effort to confer with opposing counsel.

3. As detailed below, Complaint Counsel has failed to demonstrate that good cause exists to justify an extension of time to December 1, 2004, to respond to Basic Research's Motion to Compel.

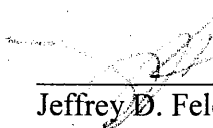
4. Complaint Counsel argues that an extension of time is justified here because, *inter alia*, Complaint Counsel, Lauren Kapin, has been out of the office tending to a sick family member for two days, and that she is preoccupied preparing to take depositions and preparing her own witnesses for deposition. Complaint Counsel further states that they must respond to various outstanding discovery requests. Dealing with all of the above matters is not an overly burdensome task for Complaint Counsel, as multiple attorneys are working on this matter on behalf of the Federal Trade Commission ("FTC"), not just Ms. Kapin¹.

5. Notwithstanding, Basic Research is not entirely unsympathetic to Complaint Counsel's scheduling concerns. Had Complaint Counsel properly conferred with Basic Research's counsel in good faith, counsel would have agreed to extend the deadline to respond to the Motion to Compel by one week, giving Complaint Counsel until November 24, 2004 to respond. However,

¹ In its motion, Complaint Counsel's signature block alone includes the names of four (4) different attorneys assigned to this matter.

extending the deadline to December 1, 2004 would give Complaint Counsel more than twice the time permitted to respond under FTC rules, which is entirely unreasonable.

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



Jeffrey D. Feldman
Gregory L. Hillyer
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Miami, Florida 33131
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**Counsel for Respondents 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. and Ban, L.L.C**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided to the following parties this 15th day of November, 2004 as follows:

(1) One (1) original and two (2) copy by Federal Express to Donald S. Clark, Secretary, Federal Trade Commission, Room H-159, 600 Pennsylvania Avenue, N.W., Washington, D.C., 20580;

(2) One (1) electronic copy via e-mail attachment in Adobe® “.pdf” format to the Secretary of the FTC at Secretary@ftc.gov;

(3) Two (2) copies by Federal Express to Administrative Law Judge Stephen J. McGuire, Federal Trade Commission, Room H-104, 600 Pennsylvania Avenue N.W., Washington, D.C. 20580;

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

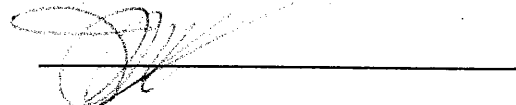
(5) One (1) copy via U. S. Postal Service to Elaine Kolish, Associate Director in the Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580

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

(7) 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.

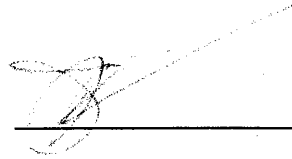
(8) One (1) copy via United States Postal Service to Ronald F. Price, Esq., Peters Scofield Price, A Professional Corporation, 340 Broadway Centre, 111 East Broadway, Salt Lake City, Utah 84111, Counsel for Daniel B. Mowrey.

(9) One (1) copy via United States Postal Service to Mitchell K. Friedlander, 5742 West Harold Gatty Drive, Salt Lake City, Utah 84111, Pro Se.

A handwritten signature in black ink, appearing to be "J. McGuire", is written over a horizontal line.

CERTIFICATION FOR ELECTRONIC FILING

I HEREBY CERTIFY that the electronic version of the foregoing is a true and correct copy of the original document being filed this same day of November 15, 2004 via Federal Express with the Donald S. Clark, Secretary, Room H-159, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.



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

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LABORATORY, and
MITCHELL K. FRIEDLANDER

Respondents.

DOCKET NO. 9318

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

ORDER ON MOTION FOR EXTENSION OF TIME

THIS CAUSE came before the Administrative Law Judge on Complaint Counsel's Motion for Extension of Time to File Responses to Respondent Gay's Discovery and to Respondent Basic Research's Motion to Compel. Having reviewed the Motion, it is ORDERED that Complaint Counsel's Motion for Extension of Time is GRANTED in part and DENIED in part. Complaint Counsel shall have up to and including November 24, 2004, to respond to Respondent Respond Basic Research's Motion to Compel.

DONE AND ORDERED this _____ day of November, 2004.

Stephen J. McGuire
Administrative Law Judge

Copies furnished to:
All counsel of record