

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

**COMMISSIONERS:**      **Rebecca Kelly Slaughter, Acting Chair**  
                                 **Noah Joshua Phillips**  
                                 **Rohit Chopra**  
                                 **Christine S. Wilson**

**In the Matter of**

**HEALTH RESEARCH LABORATORIES, LLC,  
a limited liability company,**

**WHOLE BODY SUPPLEMENTS, LLC,  
a limited liability company, and**

**KRAMER DUHON,  
individually and as an officer of  
HEALTH RESEARCH LABORATORIES, LLC  
and WHOLE BODY SUPPLEMENTS, LLC.**

**DOCKET NO. 9397**

**MOTION TO WITHDRAW COMPLAINT COUNSEL'S EXPEDITED MOTION TO  
RESCHEDULE EVIDENTIARY HEARING DATE AND REQUEST FOR SCHEDULE**

On April 20, 2021, the Chief Administrative Law Judge transferred the case to the Commission for a final decision. In light of that decision, Complaint Counsel withdraws its Expedited Motion to Reschedule Evidentiary Hearing Date filed on March 30, 2021. Respondents' Counsel has advised Complaint Counsel that they do not oppose this withdrawal.

Instead, Complaint Counsel asks the Commission to set a schedule for future proceedings. The Commission's Rules of Practice do not set a standard briefing schedule for proceedings following a respondent's decision to admit allegations pursuant to Rule 3.12(b)(2). Complaint Counsel proposes the schedule set forth below, which Respondents oppose.

**COMPLAINT COUNSEL'S PROPOSED SCHEDULE**

**June 7, 2021** – Complaint Counsel files briefing and proposed order with the Commission.

**July 12, 2021** – Respondents file briefing and proposed order with the Commission.

**July 26, 2021** – Complaint Counsel files reply with the Commission.

Dated: April 26, 2021

Respectfully submitted,

s/ Elizabeth J. Averill

Elizabeth J. Averill

Jonathan Cohen

Federal Trade Commission

600 Pennsylvania Avenue, NW, CC-9528

Washington, DC 20580

(202) 326-2993 (Averill); -2551 (Cohen)

eaverill@ftc.gov; jcohen2@ftc.gov

(202) 326-3197 (facsimile)

*Complaint Counsel*

**CERTIFICATE OF CONFERENCE**

The undersigned counsel represents that she and Jonathan Cohen conferred with Respondents' counsel, Joel Reese, on April 23, 2021 in a good faith effort to resolve by agreement the issues raised in this motion. Respondents do not oppose Complaint Counsel's withdrawal of the Expedited Motion to Reschedule Evidentiary Hearing Date. Respondents oppose the briefing schedule proposed by Complaint Counsel in this Motion.

s/ Elizabeth Averill  
Elizabeth Averill  
Federal Trade Commission  
600 Pennsylvania Avenue, NW, CC-9528  
Washington, DC 20580  
(202) 326-2993; eaverill@ftc.gov

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this Motion to Withdraw Complaint Counsel's Expedited Motion to Reschedule Evidentiary Hearing Date and Request for Schedule on counsel for the Respondents on April 26, 2021 via electronic mail.

Joel Reese  
Joshua Russ  
Reese Marketos LLP  
750 N. Saint Paul St., Suite 600  
Dallas, TX 75201  
Joel.reese@rm-firm.com  
Josh.russ@rm-firm.com

I also served one electronic copy via the Administrative E-Filing System and one electronic courtesy copy to the **Office of the Secretary** via email to ElectronicFilings@ftc.gov.

I served one electronic courtesy copy via email to the **Office of the Administrative Law Judge**:

The Honorable D. Michael Chappell  
Chief Administrative Law Judge  
600 Pennsylvania Ave, NW, Room H-110  
Washington, DC 20580

s/ Elizabeth J. Averill  
Elizabeth J. Averill  
Federal Trade Commission  
600 Pennsylvania Avenue, NW, CC-9528  
Washington, DC 20580  
(202) 326-2993; eaverill@ftc.gov

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**[PROPOSED] SCHEDULING ORDER**

On November 13, 2020, the Commission issued an administrative Complaint against Respondents Health Research Laboratories, LLC, Whole Body Supplements, LLC, and Kramer Duhon alleging that advertising for their Black Garlic Botanicals, BG18, The Ultimate Heart Formula, and Neupathic products violated Sections 5(a) and 12 of the Federal Trade Commission Act. Respondents admitted all material allegations in the administrative Complaint pursuant to 16 C.F.R. § 3.12(b)(2) and have consented to certain relief.<sup>1</sup>

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<sup>1</sup> See Respondents' Stipulation as to "Fencing-in" Relief (April 13, 2021); Respondents' Expedited Motion to Partially Reconsider May 6, 2021 Order Granting Complaint Counsel's Motions to Compel and Statement of Impasse (April 13, 2021); Respondents' Expedited Amended Motion to Partially Reconsider April 6, 2021 Order Granting Complaint Counsel's Motions to Compel (April 15, 2021).

On April 20, 2021, the Chief Administrative Law Judge transferred the case to the Commission for final decision pursuant to 16 C.F.R. § 3.12(b)(2). On April 26, 2021, Complaint Counsel filed a motion withdrawing their Expedited Motion to Reschedule Evidentiary Hearing Date and requesting a schedule for future proceedings before the Commission.

**IT IS ORDERED** that the following briefing schedule is adopted.

**June 7, 2021** – Complaint Counsel files briefing and proposed order with the Commission.

**July 12, 2021** – Respondents file briefing and proposed order with the Commission.

**July 26, 2021** – Complaint Counsel files reply with the Commission.

By the Commission.

April J. Tabor  
Acting Secretary

SEAL:

ISSUED: