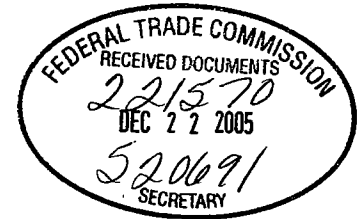


**ORIGINAL**

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
WASHINGTON, D.C.**

**In the Matter of**

**BASIC RESEARCH, LLC  
A.G. WATERHOUSE, LLC  
KLEIN-BECKER USA, LLC  
NUTRASPORT, LLC  
SOVAGE DERMALOGIC LABORATORIES, LLC  
BAN LLC d/b/a BASIC RESEARCH LLC  
    **OLD BASIC RESEARCH, LLC  
    BASIC RESEARCH, A.G. WATERHOUSE,  
    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.****



**PUBLIC**

**Docket No. 9318**

**RESPONDENTS' UNOPPOSED MOTION FOR LEAVE TO IDENTIFY A NEW  
EXHIBIT**

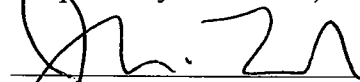
Respondents Basic Research, LLC; A.G. Waterhouse, LLC; Klein-Becker, LLC; Nutrasport, LLC; Sövage Dermalogic Laboratories, LLC; BAN, LLC; Dennis Gay; Daniel B. Mowrey, Ph.D.; and Mitchell K. Friedlander (collectively "Respondents") respectfully request leave to identify the complete expert report of Respondent and Expert Dr. Daniel B. Mowrey as an exhibit, supplementing the existing Respondents' Exhibit List. In reviewing its exhibit list in detail for the December 22, 2005 deadline ordered by the court (in its December 7<sup>th</sup> order on Respondents motion for in camera treatment) Respondents discovered that Dr. Daniel B. Mowrey's (hereinafter "Dr. Mowrey") expert report assessing the substantiation and clinical evidence for the

challenged products was inadvertently omitted from Respondents' previously exchanged Exhibit Lists.

Complaint Counsel informed Respondents that they have no objection to the addition of Dr. Mowrey's expert report as an exhibit. In fact, Complaint Counsel have identified Dr. Mowrey's report as one of their own exhibits. Thus, there is no harm or prejudice to opposing counsel.

Dr. Mowrey's report is critical to an understanding of the scientific substantiation for the products at issue. Designation of Dr. Mowrey's report as an exhibit for Respondents will likely reduce the time Respondents require for examining Dr. Mowrey, avoiding the need for testimony on every aspect stated succinctly in his report. For the foregoing reasons, Respondents respectfully request that his Honor grant Respondents leave to identify Dr. Mowrey's report as an exhibit. Attached hereto is a draft order for this motion.

Respectfully Submitted,



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**A.G. Waterhouse, LLC**  
**Klein-Becker USA, LLC**  
**Nutrasport, LLC**  
**Sovage Dermalogic Laboratories,**  
**LLC, BAN, LLC**

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**Counsel for Respondent Daniel B.  
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*Pro se.*

Dated: December 22, 2005

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
WASHINGTON, D.C.**

**In the Matter of**

**BASIC RESEARCH, LLC  
A.G. WATERHOUSE, LLC  
KLEIN-BECKER USA, LLC  
NUTRASPORT, LLC  
SOVAGE DERMALOGIC LABORATORIES, LLC  
BAN LLC d/b/a BASIC RESEARCH LLC  
    OLD BASIC RESEARCH, LLC  
    BASIC RESEARCH, A.G. WATERHOUSE,  
    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.**

**PUBLIC**

**Docket No. 9318**

**ORDER GRANTING RESPONDENTS' UNOPPOSED MOTION FOR LEAVE TO  
IDENTIFY A NEW EXHIBIT**

On December 22, 2005 Respondents sought leave to identify the expert report and all attachments thereto of Respondent and Expert Daniel B. Mowrey, Ph.D., as an exhibit, inadvertently omitted from previous exchanges of Respondents' Final Proposed Exhibit List. Complaint Counsel having no objection and Respondents having shown good cause, the motion is hereby GRANTED.

It is hereby ORDERED that Respondents are granted leave to identify the report and all its attachments as a new exhibit on Respondents' Final Proposed Exhibit List. Respondents shall exchange and provide courtesy copies of the Respondents' Final Proposed Exhibit List listing the new exhibit within five days of this order.

ORDERED:

\_\_\_\_\_  
Stephen J. McGuire  
Chief Administrative Law Judge

Date:

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
WASHINGTON, D.C.**

**In the Matter of**

**BASIC RESEARCH, LLC  
A.G. WATERHOUSE, LLC  
KLEIN-BECKER USA, LLC  
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SOVAGE DERMALOGIC LABORATORIES, LLC  
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    BASIC RESEARCH, A.G. WATERHOUSE,  
    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**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day of December, 2005 I caused the Respondents' Unopposed Motion for Leave to Identify a New Exhibit to be filed and served as follows:

- 1) an original and one paper copy filed by hand delivery and one electronic copy in PDF format filed by electronic mail to

Donald S. Clark  
Secretary  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Room H-159  
Washington, D.C. 20580  
Email: [secretary@ftc.gov](mailto:secretary@ftc.gov)

- 2) two paper copies delivered by hand delivery to:

The Hon. Stephen J. McGuire  
Chief Administrative Law Judge  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Room H-112  
Washington, D.C. 20580

3) one paper copy by first class U.S. Mail to:

James Kohm  
Associate Director, Enforcement  
U.S. Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Washington, D.C. 20001

4) one paper copy by first class U.S. mail and one electronic copy in PDF format  
by electronic mail to:

Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
Lemuel W. Dowdy  
Edwin Rodriguez  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: [lkapin@ftc.gov](mailto:lkapin@ftc.gov)  
[jmillard@ftc.gov](mailto:jmillard@ftc.gov)  
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[wgross@ftc.gov](mailto:wgross@ftc.gov)  
[ldowdy@ftc.gov](mailto:ldowdy@ftc.gov)  
[erodriguez@ftc.gov](mailto:erodriguez@ftc.gov)

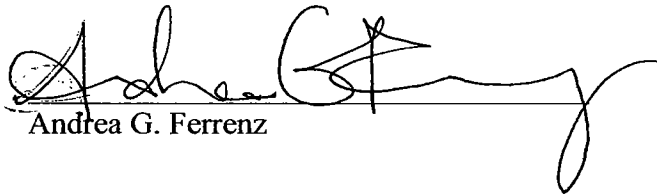
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Andrea G. Ferrenz

