

UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

*In the Matter of* )  
)  
BASIC RESEARCH, LLC, )  
A.G. WATERHOUSE, L.L.C. )  
KLEIN-BECKER USA, LLC, )  
NUTRASPORT, LLC, )  
SÖVAGE DERMALOGIC LABORATORIES, LLC, )  
BAN, LLC, )  
    d/b/a BASIC RESEARCH, L.L.C., )  
    OLD BASIC RESEARCH, L.L.C., )  
    BASIC RESEARCH, A.G. WATERHOUSE, )  
    KLEIN-BECKER USA, NUTRA SPORT, and )  
    SOVAGE DERMALOGIC LABORATORIES, )  
DENNIS GAY, )  
DANIEL B. MOWREY, Ph.D., )  
    a/b/a AMERICAN PHYTOTHERAPY )  
    RESEARCH LABORATORY, and )  
MITCHELL K. FRIEDLANDER, )  
)  
*Respondents.* )  
)

**Docket No. 9318**

**AGREED MOTION TO EXTEND TIME TO FILE RESPONSE TO COMPLAINT  
COUNSEL'S MOTION TO STRIKE RESPONDENTS' ADDITIONAL DEFENSES**

Respondents, Basic Research, LLC, A.G. Waterhouse, LLC, Klein-Becker USA, LLC, Nutrasport, LLC, Sövage Dermalogic Laboratories, LLC, Ban, LLC, Dennis Gay and Daniel B. Mowrey, Ph.D and Mitchell K. Friedlander (collectively, "Respondents"), pursuant to 16 C.F.R §4.3(b), respectfully submits this Motion to Extend Time to File Response to Complaint Counsel's Motion to Strike Respondents' Additional Defenses and in support thereof, states as follows.

1. On August 20, 2004, Complaint Counsel for the Federal Trade Commission served its Motion to Strike Respondents' Additional Defenses ("Motion") filed in the above-identified action.

2. Respondents believe that the Motion is without merit and intend to serve and file a response addressing Complaint Counsel's contentions ("Response").

3. To be considered timely, the Response must be received in the office of the Secretary of the Commission and served on Complaint Counsel on or before September 3, 2004.

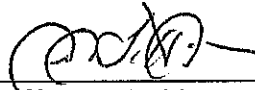
4. As of this filing, South Florida is under threat from Hurricane Frances. Hurricane Frances is presently expected to make landfall in South Florida sometime on Friday, September 3rd. As a result of the approaching storm, governmental offices, schools and courthouse are closing. In order to prepare for the storm, it is planned that the office of the undersigned counsel will close September 2, 2004. The earliest undersigned counsel's office will reopen is Tuesday, September 7th, 2004.

4. For good cause shown, the ALJ may, in any proceeding before him, extend any time limit prescribed by the rules. 16 C.F.R §4.3(b).

5. Due to the approaching storm, undersigned counsel will be unable to timely finalize the Response for filing by the above due date. Accordingly, in anticipation of the storm and out of an abundance of caution, undersigned counsel moves this tribunal for an Order granting it an extension of time through Friday, September 10, 2004 within which to respond to Complaint Counsel's Motion.

6. Undersigned counsel has contacted Complaint Counsel to discuss the relief sought in the motion, and there is no objection to granting all Respondents an extension of time.

Respectfully submitted,



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Attorneys for Respondents Basic Research, LLC,  
A.G. Waterhouse, LLC, Klein-Becker USA, LLC,  
Nutrasport, LLC, Söavage Dermalogic Laboratories,  
LLC and Ban, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided to the following parties this 1st day of September, 2004 as follows:

(1) One (1) original and one (1) 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](mailto: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](mailto:lkapin@ftc.gov), [jmillard@ftc.gov](mailto:jmillard@ftc.gov); [rrichardson@ftc.gov](mailto:rrichardson@ftc.gov); [lschneider@ftc.gov](mailto: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;

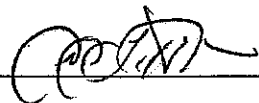
(5) One (1) copy via U. S. Postal Service to Elaine Kolish, Associate Director in the Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580

(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.

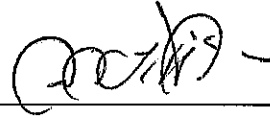
(8) One (1) copy via United States Postal Service to Ronald F. Price, Esq., Peters Scofield Price, A Professional Corporation, 340 Broadway Centre, 111 East Broadway, Salt Lake City, Utah 84111, Counsel for Daniel B. Mowrey.

(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.

  
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**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 September 1, 2004 via Federal Express with the Office of the Secretary, Room H-159, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.



A handwritten signature in black ink, appearing to be "C. J. [unclear]", is written above a horizontal line.

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