

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)	Docket No. 9318
LABORATORIES, L.L.C.,)	
BAN, L.L.C.,)	PUBLIC DOCUMENT
DENNIS GAY,)	
DANIEL B. MOWREY, and)	
MITCHELL K. FRIEDLANDER,)	
)	
Respondents.)	

**COMPLAINT COUNSEL’S UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO RESPONDENT FRIEDLANDER’S DISCOVERY REQUESTS**

Complaint Counsel move to extend the time to respond to Respondent Mitchell K.

Friedlander’s *First Request For Production of Documents, First Set of Interrogatories* and *First Request for Admissions* from November 23, 2004, to December 1, 2004. Respondent Mitchell K. Friedlander does not oppose this *Motion*. Complaint Counsel state the following in support of this *Motion*:

1. On Friday, November 5, 2004, Respondent Mitchell Friedlander attempted to serve his *First Set of Interrogatories, First Set of Document Requests, and First Request for Admissions*. As these discovery requests were sent after the allowable time for filing on November 5th, these requests are treated as having been served on Monday, November 8th. Complaint Counsel’s response is presently due on November 23, 2004.

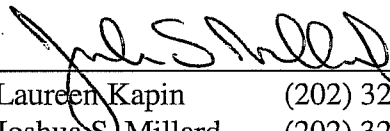
2. Pursuant to RULE OF PRACTICE 4.3, the Administrative Law Judge may extend any time limit prescribed or allowed by the RULES.
3. On November 18th, 2004, Complaint Counsel Robin M. Richardson spoke with Mr. Friedlander, who agreed to an enlargement of time until December 1, 2004 to respond to his discovery requests.
4. Good cause exists to justify this brief extension. Complaint Counsel are presently engaged in multiple tasks associated with completing discovery and addressing and attempting to resolve numerous discovery issues with Respondents. Complaint Counsel have been preparing and defending our advertising experts for depositions scheduled on November 17th and today, November 19th. Ms. Kapin and Mr. Millard are also preparing for upcoming depositions of four fact witnesses that are scheduled for November 22nd and 23rd in Salt Lake City, Utah.
5. Complaint Counsel is also engaged in responding to Respondents' third *Motion to Compel*, which response is due on November 24th, and Respondents' *Motion to Compel Proper Privilege Log*, which response is due on November 26, 2004. During this time period, Complaint Counsel has also received Respondent Gay's *First Set of Request for Admissions, First Set of Interrogatories*, and *First Request for Production of Documents*.
6. In addition, Complaint Counsel has had to devote resources to two dozen subpoenas recently served by Respondents. We have received two subpoenas *duces tecum* directed to our testifying scientific experts. On November 9, 2004, Complaint Counsel also received over twenty subpoenas *duces tecum* and several subpoenas for testimony directed to third parties. The specifications set forth in these subpoenas caused Complaint Counsel to devote time to moving for a protective order that was recently filed

with the Secretary.

7. Complaint Counsel is also attempting to work with Respondents to resolve outstanding discovery issues. Finally, the discovery requests for which we are requesting extensions are all implicated by our motion for a protective order, which is pending before the Court.
8. A proposed *Order* is attached hereto for the Court's convenience.

Date: November 19, 2004

Respectfully submitted by:



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

Counsel Supporting the Complaint

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of November, 2004, I caused *Complaint Counsel's Unopposed Motion for Extension of Time to Respond to Respondent Friedlander's Discovery Requests* and Proposed Order 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-159
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-113
Washington, D.C. 20580
- (3) one (1) electronic copy via email and one (1) paper copy by first class mail to the following persons:

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COMPLAINT COUNSEL

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Docket No. 9318

PUBLIC DOCUMENT

**ORDER ON UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO RESPONDENT FRIEDLANDER'S DISCOVERY REQUESTS**

THIS CAUSE came before the Administrative Law Judge on Complaint Counsel's *Unopposed Motion for Extension of Time to Respond to Respondent Friedlander's Discovery Requests*. Having reviewed the *Motion*, it is ORDERED that Complaint Counsel's *Motion for Extension of Time* is GRANTED. Complaint Counsel shall have up to and including December 1, 2004, to respond to Respondent Friedlander's *First Request for Production of Documents*, *First Set of Interrogatories* and *First Request for Admissions*.

DONE AND ORDERED this ____ day of November, 2004.

Stephen J. McGuire
Administrative Law Judge

Copies furnished to:
All counsel of record