

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

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

**COMPLAINT COUNSEL'S MOTION
SEEKING PERMISSION TO FILE RESPONSE TO RESPONDENTS' WAIVER**

Complaint Counsel requests permission to file a short response to the waiver filed by Respondents on February 25, 2021. On February 12, 2021, Respondents filed a motion for leave to file an amended answer along with a proposed amended answer. Complaint Counsel filed an Opposition to that motion and the proposed amended answer on February 24, 2021.

Respondents' waiver substantially changes their original proposed amended answer, and Complaint Counsel therefore requests an opportunity to file a response. Despite its title, Respondents' waiver functionally serves as a new motion to file a second amended answer without two affirmative defenses.

Complaint Counsel therefore requests permission to file a response not to exceed 1500 words addressing remaining issues following the waiver and Respondents' original motion for leave to file an amended answer. Complaint Counsel respectfully requests one week to file the response (March 4, 2021).

Respectfully submitted,

s/ Elizabeth J. Averill

Elizabeth J. Averill

Jonathan Cohen

Federal Trade Commission

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Washington, DC 20580

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(202) 326-3197 (facsimile)

Complaint Counsel

CERTIFICATE OF COMPLIANCE

Pursuant to Paragraph 4 of the Court's December 14, 2020 Scheduling Order, the undersigned counsel represents that she contacted Respondents' counsel, Joel Reese, by email on February 25, in a good faith effort to resolve by agreement the issues raised in this motion. In response, Mr. Reese stated he disagreed.

s/ Elizabeth Averill

Elizabeth Averill

Federal Trade Commission

600 Pennsylvania Ave, NW, CC-9528

Washington, DC 20580

(202) 326-2993; eaverill@ftc.gov

CERTIFICATE OF SERVICE

I certify that I served a copy of Complaint Counsel's Motion Seeking Permission to File a Response to Respondents' Waiver to counsel for the Respondents on February 25, 2021 via electronic mail.

Joel Reese
Joshua Russ
Reese Marketos LLP
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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
Administrative Law Judge
600 Pennsylvania Ave, N.W., Room H-110
Washington, DC 20580

s/ Elizabeth J. Averill
Elizabeth J. Averill
Federal Trade Commission
600 Pennsylvania Ave, NW, CC-9528
Washington, DC 20580
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DOCKET NO. 9397

**[PROPOSED] ORDER GRANTING COMPLAINT COUNSEL'S
MOTION TO FILE RESPONSE TO RESPONDENTS' WAIVER**

This matter having come before the Chief Administrative Law Judge on February 25, 2021, upon Complaint Counsel's Motion Seeking Permission to File Response to Respondents'

Waiver it is hereby **ORDERED** that:

1. The Motion is **GRANTED**; and
2. Complaint Counsel may file a response not to exceed 1500 words no later than March 4, 2021.

ORDERED:

Date:

D. Michael Chappell
Chief Administrative Law Judge