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
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Washington, DC 20580
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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
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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.¹

¹ 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: