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UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF THE 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

RESPONDENTS' RESPONSE TO COMPLAINT COUNSEL'S MOTIONS  
TO COMPEL ANSWERS TO INTERROGATORIES AND RESPONSES  
TO DOCUMENT REQUESTS

Complaint Counsel's motions to compel should be denied.

I. BRIEF RESPONSE

Within two months of losing its motion for contempt in *FTC and State of Maine v. Health Research Laboratories, LLC, et al.*, 2:17-cv-00467-JDL ("Maine Action"), the FTC filed this action and has undertaken a course of action to destroy Respondents' business.

Under the FTC Act, this action is supposed to be for a cease-and-desist order to prevent Respondents from "disseminat[ing] or caus[ing] to be disseminated advertising

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and promotional materials”<sup>1</sup> for four supplements that the Commission contends were “not substantiated at the time the representations were made.”<sup>2</sup> However, instead of actually seeking a cease-and-desist order, Complaint Counsel has used this action to punish Respondents because they exercised their First Amendment rights to contest the FTC’s request for contempt in the Maine Action.

In an effort to drive Respondents from business, the FTC served 14 subpoenas on every vendor and business partner connected to Respondents for the last decade, including a subpoena to the law firm that represented Respondents in the very claims that are the subject to this action. FTC also served requests for production and interrogatories that would take hundreds of hours to answer.

Respondents’ business is a small operation with only two employees. It is easier for vendors and business partners to elect not to do business with Respondents than face harassment from the government. It is against this backdrop that Respondents decided that they could not continue to fight the FTC.

Rather than continue a fight that has been ongoing for more than six years, Respondents elected to admit all material facts in the Part III Administrative Complaint – an action expressly permitted by 16 C.F.R. § 3.12.

On February 12, 2021, Respondents filed a motion for leave to amend to elect to admit all material facts in the Complaint. One week later, on February 19, 2021, the

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<sup>1</sup> See Complaint, ¶¶ 7, 9, 11 and 13.

<sup>2</sup> See Complaint, ¶¶ 15, 17, 19, and 21.

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FTC filed (a) a Motion to Compel Respondents to Produce Documents; and (b) a Motion to Compel Respondents to Supplement Interrogatory Responses. All of the discovery is directed to facts that Respondents elected not to contest and are no longer in dispute. *See* Ex. A (Declaration of Joel W. Reese).

### CONCLUSION

For the reasons set forth herein, the ALJ should deny the Motion to Compel Respondents to Produce Documents and the Motion to Compel Respondents to Supplement Interrogatory Responses.

Dated: February 26, 2021

Respectfully submitted,

**REESE MARKETOS LLP**

By: /s/ Joel W. Reese

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**ATTORNEYS FOR RESPONDENTS**

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 26, 2021, I filed the foregoing document electronically using the FTC's E-Filing system, which will send notification to:

April J. Tabor  
Acting Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-113  
Washington, DC 20580  
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-110  
Washington, DC 20580

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*COMPLAINT COUNSEL*

*/s/ Joel W. Reese*  
Joel W. Reese

**EXHIBIT A**

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DECLARATION OF JOEL W. REESE

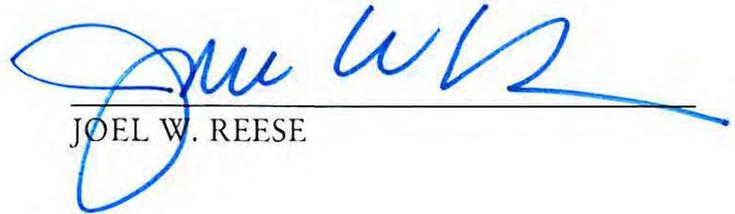
I, Joel W. Reese, hereby declare:

1. My name is Joel W. Reese. I am counsel for the Respondents, Health Research Laboratories, LLC, Whole Body Supplements, LLC and Kramer Duhon. I make this declaration based on personal knowledge of the facts set forth herein.

2. I have carefully reviewed the Interrogatories and the Requests for Production that are the subject of Complaint Counsel's Motion to Compel Respondents to Produce Documents and their Motion to Compel Respondents to Supplement Interrogatory Responses ("Motions"). I compared the Interrogatories and the Requests for Production against the allegations in the Complaint. Pursuant to 16 C.F.R. § 3.12(b)(2), Respondents have elected to admit all material facts in the Complaint. After carefully reviewing the Complaint, I am not aware of an issue that is relevant to the remaining proceedings in this case that are covered by any of the Interrogatories or Requests for Production. In other

words, the admitted facts now save the Respondents and Complaint Counsel from having to incur the cost, hassle, and expense of proving or disputing facts through the discovery process.

Pursuant to 28 U.S. C. § 1746, I declare under penalty of perjury that the foregoing is true and correct based on my personal knowledge.



JOEL W. REESE