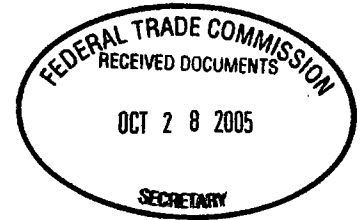


UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



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 )  
LABORATORIES, L.L.C., )  
BAN, L.L.C., )  
DENNIS GAY, )  
DANIEL B. MOWREY, and )  
MITCHELL K. FRIEDLANDER, )

Respondents. )  
)  
)

Docket No. 9318

PUBLIC DOCUMENT

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
PARTIES' OBJECTIONS AND COUNTER-DESIGNATIONS  
TO DESIGNATED DEPOSITION TESTIMONY**

Complaint Counsel hereby move to extend the time to file the parties' objections and counter-designations to designated deposition testimony, and in support, state as follows:

1. The Court's *Second Revised Scheduling Order* sets October 28, 2005, as the deadline for filing the parties' objections and counter-designations to designated deposition testimony.
2. Since the filing of the parties' deposition designations on October 14, 2005, over the past two weeks, Complaint Counsel and Respondents' counsel have participated in good faith negotiations concerning stipulations, and the parties have exchanged a large number of proposed stipulations. These negotiations have been productive; however, the production of the proposed stipulations and the subsequent review of other parties' proposals and the record has consumed

considerable time during the limited time period available for review of Respondents' numerous deposition designations.

3. Additionally, since the filing of the parties' deposition designations, the parties have conferred concerning Corporate Respondents' issuance of subpoenas on October 21, 2005, the responses to which are presently due November 11, 2005 or earlier, according to the terms of the subpoenas. The parties reached an impasse in negotiations concerning the issuance of these subpoenas, requiring Complaint Counsel to lodge a motion with the Court during the limited time period available for review of Respondents' numerous deposition designations.

4. Respondents have indicated, through Corporate Respondents' counsel, that they do not oppose our *Motion* for a brief extension of time to next Tuesday, November 1, 2005.

5. Under RULE OF PRACTICE 4.3(b), the Administrative Law Judge may extend any time limit prescribed or allowed by the Rules for good cause shown.

6. Good cause exists to justify this brief extension because Complaint Counsel's time to review the record and file its objections and counter-designations to designated deposition testimony fell within the same time period in which Complaint Counsel was responding to Respondents' subpoenas, negotiating toward joint stipulations that we anticipate will be filed shortly by agreement of the parties, if not today, and preparing for the hearing in this matter. The short extension requested will not impact other pretrial deadlines.

7. In the interests of fairness, we request that the time for Respondents to file its objections and counter-designations to designated deposition testimony be extended to Tuesday as well.

8. A proposed order is attached hereto for the Court's convenience.

Respectfully submitted,

*Laureen Kapin*

Laureen Kapin (202) 326-3237  
Lemuel Dowdy (202) 326-2981  
Walter C. Gross, III (202) 326-3319  
Joshua S. Millard (202) 326-2454  
Edwin Rodriguez (202) 326-3147  
Laura Schneider (202) 326-2604

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

Dated: October 28, 2005

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of )  
)  
)

BASIC RESEARCH, L.L.C., )  
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MITCHELL K. FRIEDLANDER, )

Respondents. )  
)  
)

Docket No. 9318

PUBLIC DOCUMENT

**ORDER ON UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE PARTIES' OBJECTIONS AND COUNTER-DESIGNATIONS  
TO DEPOSITION TESTIMONY**

THIS CAUSE came before the Chief Administrative Law Judge on Complaint Counsel's unopposed *Motion for Extension of Time to File the Parties' Objections and Counter-Designations to Designated Deposition Testimony*. Having reviewed the *Motion*, and good cause having been shown for the short extension requested, it is ORDERED that Complaint Counsel's *Motion for Extension of Time* is GRANTED. The parties shall have up to and including November 1, 2005, to file their objections and counter-designations to designated deposition testimony.

ORDERED:

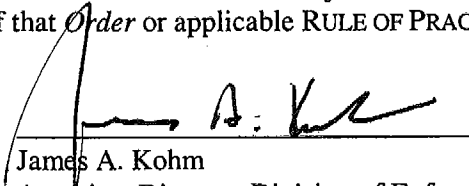
Date:

Copies furnished to:  
All counsel of record

\_\_\_\_\_  
Stephen J. McGuire  
Chief Administrative Law Judge

**CERTIFICATION OF REVIEWING OFFICIAL**

I certify that I have reviewed the attached public filing, Complaint Counsel's unopposed *Motion for Extension of Time to File Parties' Objections and Counter-Designations to Designated Deposition Testimony*, prior to its filing to ensure the proper use and redaction of materials subject to the *Protective Order* in this matter and protect against any violation of that *Order* or applicable RULE OF PRACTICE.

A handwritten signature in black ink, appearing to read "James A. Kohm", is written over a horizontal line. The signature is stylized and cursive.

James A. Kohm  
Associate Director, Division of Enforcement  
Bureau of Consumer Protection

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of October, 2005, I caused *Complaint Counsel's Unopposed Motion for Extension of Time to File the Parties' Objections and Counter-Designations to Designated Deposition Testimony* 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-135  
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-104  
Washington, D.C. 20580
  
- (3) one (1) electronic copy via email and one (1) paper copy by first class mail to:


**Stephen E. Nagin**  
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USA, LLC, A.G. Waterhouse,  
LLC, Basic Research, LLC,  
Nutrasport, LLC, Sovage  
Dermalogic Laboratories,  
LLC, and BAN, LLC**

  
**COMPLAINT COUNSEL**