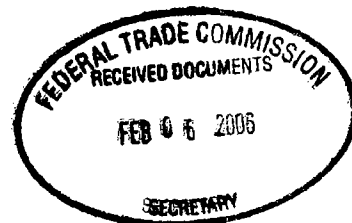


UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
WASHINGTON, D.C.

In the Matter of

BASIC RESEARCH, LLC  
A.G. WATERHOUSE, LLC  
KLEIN-BECKER USA, LLC  
NUTRASPORT, LLC  
SOVAGE DERMALOGIC LABORATORIES, LLC  
BAN LLC d/b/a BASIC RESEARCH LLC  
OLD BASIC RESEARCH, LLC  
BASIC RESEARCH, A.G. WATERHOUSE,  
KLEIN-BECKER USA, NUTRA SPORT, and  
SOVAGE DERMALOGIC LABORATORIES  
DENNIS GAY  
DANIEL B. MOWREY d/b/a AMERICAN  
PHYTOTHERAPY RESEARCH  
LABORATORY, and  
MITCHELL K. FRIEDLANDER,  
Respondents



PUBLIC

Docket No. 9318

**MOTION FOR LEAVE TO FILE DRAFT ORDER INADVERTENTLY  
OMITTED FROM RESPONDENTS' SECOND REVISED MOTION FOR IN  
CAMERA TREATMENT OF TRIAL EXHIBITS**

On Friday, February 03, 2006 Respondents filed their second revised motion for in camera treatment of trial exhibits. The draft order was inadvertently omitted.

Attached hereto is the draft order for that motion. Respondents respectfully request that this motion be granted and regret any inconvenience the omission may have caused the Chief Administrative Law Judge or FTC Counsel.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan W. Emord".

Jonathan W. Emord  
Emord & Associates, P.C.  
1800 Alexander Bell Drive  
Suite 200

Reston, VA 20191  
Tel. (202) 466-6937  
Fax (202) 466-6938

**Counsel for Basic Research, LLC**  
**A.G. Waterhouse, LLC**  
**Klein-Becker USA, LLC**  
**Nutrasport, LLC**  
**Sovage Dermatologic**  
**Laboratories, LLC, BAN, LLC**

Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
18001 Old Cutler Road  
Suite 556  
Miami, Florida 33157  
Tel. (305) 854-5353  
Fax (305) 854-5351

**Counsel for Basic Research, LLC**

Richard Burbidge, Esq.  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, Utah 84111

**Counsel for Dennis Gay**

Ronald F. Price  
PETERS SCOFIELD PRICE  
*A PROFESSIONAL CORPORATION*  
340 Broadway Centre  
111 East Broadway  
Salt Lake City, Utah 84111  
Telephone: (801) 322-2002  
Facsimile: (801) 322-2003

**Counsel for Respondent Daniel B.  
Mowrey**

Mitchell K. Friedlander  
5742 West Harold Gatty Drive  
Salt Lake City, Utah 84111,

Dated: February 3, 2006

*Pro se.*

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
WASHINGTON, D.C.

In the Matter of

BASIC RESEARCH, LLC  
A.G. WATERHOUSE, LLC  
KLEIN-BECKER USA, LLC  
NUTRASPORT, LLC  
SOVAGE DERMALOGIC LABORATORIES, LLC  
BAN LLC d/b/a BASIC RESEARCH LLC  
    OLD BASIC RESEARCH, LLC  
    BASIC RESEARCH, A.G. WATERHOUSE,  
    KLEIN-BECKER USA, NUTRA SPORT, and  
    SOVAGE DERMALOGIC LABORATORIES  
DENNIS GAY  
DANIEL B. MOWREY d/b/a AMERICAN  
    PHYTOTHERAPY RESEARCH  
    LABORATORY, and  
MITCHELL K. FRIEDLANDER,  
    Respondents

Docket No. 9318

**ORDER GRANTING RESPONDENTS' MOTION FOR LEAVE TO FILE DRAFT  
ORDER INADVERTENTLY OMITTED FROM RESPONDENTS' SECOND  
REVISED MOTION FOR IN CAMERA TREATMENT OF TRIAL EXHIBITS**

On February 3, 2006 Respondents filed a motion for leave to file a draft order inadvertently omitted from their motion for in camera treatment of trial exhibits filed earlier that same day. In the interests of judicial economy and the lack of prejudice to any party or the presiding officer, Respondents motion is hereby GRANTED.

It is ORDERED that the draft order attached to the Respondents' motion is hereby filed with the Respondents Second Revised Motion for In Camera Treatment of Trial Exhibits.

ORDERED:

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

Date:

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

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*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.*

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**DOCKET NO. 9318**

**ORDER ON RESPONDENTS' SECOND REVISED MOTION FOR *IN CAMERA*  
TREATMENT OF TRIAL EXHIBITS**

Pursuant to Commission Rule 3.45(b) and the ALJ's Scheduling Order entered in this litigation, Respondents filed on November 23, 2005, a motion seeking *in camera* treatment for nearly eight boxes of documents. Respondents moved on November 28, 2005, for leave to supplement the November 23 motion. By Order dated December 5, 2005, Respondents' request for leave to supplement was granted, but Respondents' original motion for *in camera* treatment was denied without prejudice. In the December 5, 2005 Order, the ALJ provided specific guidance to Respondents concerning the form any such revised or renewed motion should take.

In accordance with Commission rules and the ALJ's December 5 Order, Respondents filed on January 13, 2006, a Revised Motion for *In Camera* Treatment of Documents Listed on Parties' Exhibit Lists. Respondents' Revised Motion moved for *in camera* treatment of just over half the number of documents in Respondents' first motion. Over one-third of the documents incorporated in Respondents' Motion comprised customer correspondence, the disclosure of which would reveal confidential customer information. The remaining documents comprised various trade secrets, marketing, advertising, product formulation, corporate financial information, and other documents.

By Order dated January 25, 2006, the ALJ denied Respondents' Revised Motion for *In Camera* Treatment of Exhibits without prejudice. In the January 25, 2006, Order, the ALJ provided specific guidance to Respondents concerning the form any such revised or renewed motion should take.

In accordance with Commission rules and the ALJ's January 25 Order, Respondents filed on February 3, 2006, a Second Revised Motion for *In Camera* Treatment of Exhibits. Pursuant to the ALJ's January 25<sup>th</sup> Order, Respondents have narrowly tailored Respondents' requests for *in camera* treatment of all deposition transcripts, discovery responses and expert reports, redacted all customer information from exhibits for which Respondents' previously sought *in camera* treatment, provided additional legal and factual authority supporting Respondents' arguments, and obtained an additional declaration supporting the motion from Respondents' employee Gina Gay.

Having reviewed Respondents' Second Revised Motion, together with the detailed declarations of Carla Fobbs and Gina Gay submitted in support thereof, and having fully considered the relevant case law cited in the December 5<sup>th</sup> and January 25<sup>th</sup> Orders and Respondents' moving papers, the ALJ finds the documents identified by Respondents meet the requirements for *in camera* treatment. Accordingly, Respondents' Second Revised Motion is hereby **GRANTED**. Respondents are to prepare a proposed Order for the ALJ listing in consolidated fashion the exhibits listed in Ms. Fobbs' declaration, together with the time period specified for *in camera* treatment of each. The Order is to be submitted within seven days.

ORDERED:

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Stephen J. McGuire  
Chief Administrative Law Judge

Dated this \_\_\_ day of \_\_\_\_\_, 2006.

CERTIFICATE OF SERVICE

I hereby certify that on the 3<sup>rd</sup> day of February, 2006, I caused the foregoing **RESPONDENTS' MOTION FOR LEAVE TO FILE DRAFT ORDER INADVERTENTLY OMITTED FROM RESPONDENTS' SECOND REVISED MOTION FOR IN CAMERA TREATMENT OF TRIAL EXHIBITS** to be filed and served as follows:

- (1) an original and one paper copy filed by overnight mail and one electronic copy in PDF format filed by email to:

Donald S. Clark, Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue, NW Room H-159  
Washington, DC 20580  
[secretary@ftc.gov](mailto:secretary@ftc.gov)

- (2) two paper copies delivered by overnight mail to:

The Honorable Stephen J. McGuire  
Chief Administrative Law Judge  
600 Pennsylvania Avenue, NW, Room H-112  
Washington, D.C. 20580

- (3) one paper copy by first class U.S. Mail to

James Kohm  
Associate Director, Enforcement  
U.S. Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Washington, D.C. 20001

- (4) one paper copy by first class U.S. mail and electronic PDF copy by email to:

Laureen Kapin  
Laura Schneider  
Joshua S. Millard  
Edwin Rodriguez  
Walter C. Gross III  
Lemuel W. Dowdy  
Edwin Rodriguez  
Federal Trade Commission  
600 Pennsylvania Ave, NW, Suite NJ-2122

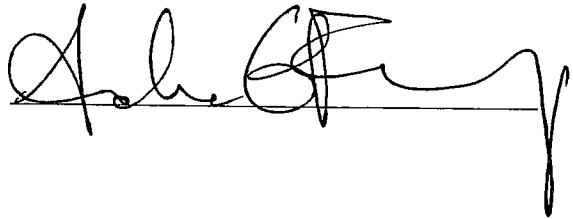
Washington, D.C. 20580  
Email: [lkapin@ftc.gov](mailto:lkapin@ftc.gov)

Stephen E. Nagin  
Nagin, Gallop & Figueredo, PA  
18001 Old Cutter Road, Suite 556  
Miami, FL 33157  
Email: [snagin@ngf-law.com](mailto:snagin@ngf-law.com)

Burbidge & Mitchell  
215 S. State Street, Ste 920  
Salt Lake City, Utah 84111  
Email: [rburbidge@burbidgeandmitchell.com](mailto:rburbidge@burbidgeandmitchell.com)

Ronald F. Price  
PETERS SCOFIELD PRICE  
310 Broadway Center 111 East  
Broadway, #1100  
Salt Lake City, Utah 84111  
Email: [rpf@psplawyers.com](mailto:rpf@psplawyers.com)

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, Utah 84116  
Email: [mkf555@msn.com](mailto:mkf555@msn.com)

A handwritten signature in black ink, appearing to read "M. Friedlander", written over a horizontal line.