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UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Lina Khan, Chair
Noah Joshua Phillips
Rohit Chopra
Rebecca Kelly Slaughter
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

**RESPONDENTS' RESPONSE TO COMPLAINT COUNSEL'S EXPEDITED MOTION
TO EXTEND COMPLAINT COUNSEL'S REPLY DATE**

Complaint Counsel's Motion to Extend Complaint Counsel's Reply Date is full of hyperbole,¹ but devoid of any factual basis for this Commission to find that good cause exists for an extension, as required by Rule 4.3(b).

Rule 4.3(b) provides that "the Commission, **for good cause shown**, may extend any time limit prescribed by...order of the Commission." 16 C.F.R. § 4.3(b) (emphasis added).

¹ Complaint Counsel accuses Respondents of "gamesmanship," having a "complete disregard for the process established by the Commission's recent Orders," "strategically [holding] off on articulating their radically narrow interpretation" of the rules.

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Complaint Counsel's reason appears to be that it "is not possible for Complaint Counsel to prepare a thorough response to all of the new legal arguments and factual claims advanced in Respondents' Opposition by the original reply date." Complaint Counsel's Motion, p. 2. If this argument is sufficient for "good cause" before the Commission, then the "good cause" requirement for an extension is meaningless.

"Good cause is demonstrated if a party seeking to extend a deadline demonstrates that a deadline cannot reasonably be met despite the diligence of the party seeking the extension." *In re Basic Research, LLC*, 2004 WL 2556291, Dkt. No. 9318 (F.T.C. Oct. 18, 2004) (emphasis added). Complaint Counsel does not explain or "demonstrate" why it is not possible to respond. Complaint Counsel does not provide any affidavits or evidence to support its argument. Complaint Counsel does not cite to other commitments or obligations that would interfere with the completion of the reply. Complaint Counsel's argument seems to be simply that Complaint Counsel was surprised and did not expect Respondents to respond to Complaint Counsel's request for summary disposition.

Because Complaint Counsel's half page Motion for Extension failed to demonstrate why Complaint Counsel cannot reasonably meet the reply deadline, Complaint Counsel's request for an extension should be denied pursuant to Rule 4.3(b). We are now two months beyond the date the Commission set for a hearing and seemingly no closer to a resolution of this never-ending FTC investigation. Further delays serve no one's interests.

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Dated: September 17, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2021, I filed the foregoing document electronically using the FTC's E-Filing system, which will send notification to:

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