

**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

**COMPLAINT COUNSEL’S UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE A MORE COMPLETE PRIVILEGE LOG**

Complaint Counsel move to extend the time to file a more complete privilege log from December 16, 2004, to December 24, 2004, and in support thereof state as follows:

1. On October 15, 2004, Complaint Counsel provided a privilege log that used categories to describe groups of documents. On November 18, 2004, Respondents filed a motion to compel a more complete privilege log. On December 1, 2004, the Court granted Respondents’ motion to compel and provided that Complaint Counsel will have fifteen days from the date of the order, or until December 16, 2004, to provide a more complete privilege log. In addition, on December 7, 2004, Complaint Counsel filed a motion to compel Respondents’ production of more complete privilege logs. Respondents have not yet responded to that motion.

2. Pursuant to Rule of Practice 4.3, the Administrative Law Judge may extend any time limit prescribed or allowed by the Rules.
3. On December 14, 2004, Complaint Counsel, Robin M. Richardson, discussed the relief sought in this Request with counsel for Respondents, Jeffrey D. Feldman. Respondents have no objection to the requested extension.
4. Good cause exists to justify this brief extension because Complaint Counsel has been preparing for the defending and taking of expert and fact witness depositions. During this time period, we deposed Respondents' linguistic expert in New York City, New York, on December 8th and deposed two fact witnesses in Salt Lake City, Utah, on December 9th and 10th. In addition, on December 10th, we received Respondents' scientific expert's report, which is approximately 500 pages and we are in the process of reviewing this report as well as preparing one of our scientific experts, Dr. Eckel, for his upcoming deposition on December 30th, in Denver, Colorado. We are also preparing for depositions of other fact witnesses on December 27th and 28th in Salt Lake City, Utah. Moreover, Complaint Counsel is also in the process of preparing its motions regarding discovery issues, and has filed several motions with respect to the production of documents, as well as attempting to work with Respondents to resolve outstanding discovery issues. This time period also included the Jewish holidays.

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

Date: December 14, 2004

Respectfully submitted by:



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Joshua S. Millard (202) 326-2454
Robin M. Richardson (202) 326-2798
Laura Schneider (202) 326-2604

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

COUNSEL SUPPORTING THE COMPLAINT

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of December, 2004, I caused *Complaint Counsel's Unopposed Motion for Extension of Time To File a More Complete Privilege Log* and Proposed Order 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-159
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-113
Washington, D.C. 20580

- (3) one (1) electronic copy via email and one (1) paper copy by first class mail to the following persons:

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LLC, and BAN, LLC**

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TO: The Honorable Stephen J. McGuire
Chief Administrative Law Judge

ORDER ON UNOPPOSED MOTION FOR EXTENSION OF TIME

THIS CAUSE came before the Administrative Law Judge on Complaint Counsel's Unopposed Motion for Extension of Time To File a More Complete Privilege Log. Having reviewed the Motion, it is ORDERED that Complaint Counsel's Motion for Extension of Time is GRANTED. Complaint Counsel shall have up to and including December 24, 2004, to file a more complete privilege log.

DONE AND ORDERED this _____ day of December, 2004.

Stephen J. McGuire
Administrative Law Judge

Copies furnished to:
All counsel of record