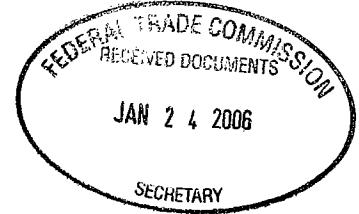


UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
WASHINGTON, D.C.

**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**

**PARTIES' JOINT MOTION FOR ENLARGEMENT OF TIME FOR THE  
SUBMISSION OF PRETRIAL BRIEFS**

Pursuant to the Federal Trade Commission's Rule of Practice 3.21(c)(2), Respondents and FTC Counsel hereby respectfully move for the enlargement of time for the submission of pretrial briefs, originally scheduled for filing on February 3, 2006 by the Second Revised Scheduling Order dated August 4, 2005. Respondents and FTC Counsel request that his Honor extend the submission deadline by one week to February 10, 2006. FTC Rule of Practice 3.21(c)(2) states that the "Administrative Law Judge may grant a motion to extend any deadline or time specified in [the] scheduling order only upon a showing of good cause." 16 C.F.R. § 3.21(c)(2). In the course of determining whether to grant the motion for enlargement of time, the "Administrative

Law Judge shall consider any extensions already granted, the length of the proceedings to date, and the need to conclude the evidentiary hearing and render an initial decision in a timely manner.” *Id.*

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. *Bradford v. Dana Corp.*, 249 F.3d 807, 809 (8<sup>th</sup> Cir. 2001); *Sosa v. Airprint Systems, Inc.*, 133 F.3d 1417, 1418 (11<sup>th</sup> Cir. 1998); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9<sup>th</sup> Cir. 1992); Fed. R. Civ. P. 16 Advisory Committee Notes (1983 amendment). His Honor has previously stated in an Order granting a joint motion for an extension, dated October 12, 2004, that “when requesting an extension based on good cause, the reasons therefore shall be specifically explained in the motion – general statements will not suffice.” Pursuant to this instruction, FTC Counsel and all Respondents present their reasons below.

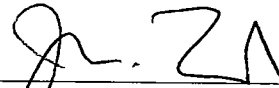
1. The size of the factual record in this case, over 61,000 pages, is extraordinary and cannot reasonably be evaluated in its entirety by the present deadline.
2. Counsel for both sides are still actively engaged in negotiating the reduction in the volume of exhibits and, so, the record upon which the findings will be drafted is uncertain.
3. Not all witnesses have been deposed. Transcripts from recent depositions are not yet in hand of FTC Counsel and Respondents’ Counsel.
4. All parties involved agree that a one week extension will not modify any pre-existing dates established in the Scheduling Order or materially alter the positions

of any of the parties. *See In re Dura Lube Corp.*, 1999 F.T.C. Lexis 250, \*1 (July 21, 1999).

5. Good cause exists to justify this brief extension. The February 3, 2006 deadline does not provide sufficient time for the parties to complete the work necessary for full compliance with the pretrial brief requirements.

Good cause having been demonstrated, the parties respectfully request that his Honor extend the time for filing pretrial briefs to February 10, 2006.

Respectfully submitted,



---

Jonathan W. Emord  
Emord & Associates, P.C.  
1800 Alexander Bell Drive  
Suite 200  
Reston, VA 20191  
Tel. (202) 466-6937  
Fax (202) 466-6938

Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
18001 Old Cutler Road, Suite 556  
Miami, Florida 33157-6416

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

Ronald F. Price  
Peters Scofield Price  
340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander

c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116

Pro se.

Laureen Kapin (202) 326-3237  
Lemuel Dowdy (202) 326-2981  
Walter C. Gross (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: January 24, 2006