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

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	NOV 8 - 2004	
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In the Matter of	
BASIC RESEARCH, LLC	,
A.G. WATERHOUSE, LLC	•
KLEIN-BECKER USA, LLC	• •
NUTRASPORT, LLC	1 4
SOVAGE DERMALOGIC LABORATORIES, LLC	
BAN, LLC d/b/a BASIC RESEARCH, LLC	
OLD BASIC RESEARCH, LLC,	Docket No. 9318
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.	

ORDER ON BASIC RESEARCH'S SECOND MOTION TO COMPEL

On October 14, 2004, Respondent Basic Research, L.L.C. ("Basic Research" or "Respondent") filed its second motion to compel ("Motion"). On November 3, 2004, Complaint Counsel filed its opposition ("Opposition").

Respondent seeks an order compelling Complaint Counsel to provide "complete responses" to eleven document requests from Respondent's second request for production of documents. Complaint Counsel contends that it provided three full boxes of responsive documents prior to the motion being filed and has supplemented that production with an additional box of responsive documents on October 28, 2004. Opposition at 4.

Complaint Counsel objected to the document request in part because it requested expert reports prematurely. Opposition at 2. Respondent filed its Motion a week prior to Complaint Counsel's October 20, 2004 deadline for disclosing these expert witness reports. *See* Opposition at 2. In addition, Complaint Counsel has provided additional documents that may be responsive to the document production requests that are the subject of Respondent's second motion to compel. Opposition at 4. Respondent will be provided an opportunity to review the additional documents provided by Complaint Counsel in order to narrow the second motion to compel to those documents to which Respondent is entitled and to which it has not received a legally sufficient response.

Accordingly, Respondent's second motion to compel is **DENIED WITHOUT PREJUDICE**. Respondent shall confer with Complaint Counsel pursuant to Commission Rule 3.22(f) in a good faith attempt to resolve the remaining discovery issues without the need for judicial intervention prior to filing a renewed motion to compel. Any future motion or renewed motion to compel shall seek to compel only those documents "reasonably expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defense of any respondent" pursuant to Commission Rule 3.31(c)(1). 16 C.F.R. § 3.31(c)(1).

ORDERED:

Stephen J. McGuire

Chief Administrative Law Judge

Date: November 8, 2004