## UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION

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In the Matter of	
BASIC RESEARCH, LLC )	
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KLEIN-BECKER USA, LLC ) NUTRASPORT, LLC )	
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 )	
DUVTOTUED ADV DECEADOUI ADOD ATODV and )	
PHYTOTHERAPY RESEARCH LABORATORY, and ) MITCHELL K. FRIEDLANDER, )	

## ORDER ON COMPLAINT COUNSEL'S MOTION TO COMPEL PRODUCTION OF DR. MOWREY'S EXPERT-RELATED DOCUMENTS

I.

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Dr. Daniel B. Mowrey, who is a named Respondent in this proceeding, has been designated by Respondents as a testifying expert in this matter. Complaint Counsel asserts that Respondent Mowrey produced a privilege log to Complaint Counsel on March 2, 2005, which identified 191 documents that had been withheld from production. Complaint Counsel urges that Respondent should be compelled to produce the withheld documents if Dr. Mowrey considered the information in formulating his expert report and because the documents are responsive to Complaint Counsel's document requests.

Complaint Counsel further asks that, because these documents were not produced prior to the deposition of Dr. Mowrey, if a review of Dr. Mowrey's expert file raises additional questions

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	to argue that materials furnished to their experts to be used in forming their opinions – whether
	or not ultimately relied upon by the expert – are privileged or otherwise protected from
	disclosure when such persons are testifying or being deposed"); TV-3, Inc. v. Royal Ins. Co. of
	Am., 194 F.R.D. 585, 589 (S.D. Miss. 2000) (correspondence between counsel and expert
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·	In the event that a reasonable review of these documents raises additional questions that	
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	without having had the documents underlying his expert opinion, the deposition of Dr. Mowrey shall be reopened. Consistent with this Order, Mowrey shall not be instructed to not answer questions shout his compunications with his atternay that relate to his relate to his related to the relat	_
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