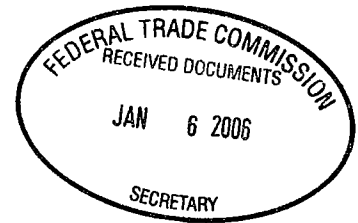


UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

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



PUBLIC

KLEIN-BECKER USA, NUTRA SPORT, and  
SOVAGE DERMALOGIC LABORATORIES, LLC

upon a timely motion. 16 C.F.R. § 3.43(d). The standard of official notice is parallel to that

of judicial notice provided for under Rule 201 of the Federal Rules of Civil Procedure.

have consistently recognized that administrative agencies' ability to take official notice is even broader than the court's ability to take judicial notice.<sup>1</sup>

Accordingly, Federal Trade Commission ALJs, as well as the Commission itself, have frequently taken official notice of facts in order to relieve the parties engaged in

administrative adjudication of the duty to present relevant facts.

In light of existing precedent, Respondents seek to have his Honor take official notice of the following government agency publications, studies, and guidelines:

1. Remarks of Mary L. Azcuenaga Commissioner, Before the International Congress of Advertising and Free Market, "Freedom: XXI Century; The Century of The Consumer" (May 1 I, 1995) (exhibit 16 in support of Motion for Partial Summary Decision and Separate Statement of Undisputed Fact - to instant case *FTC v. Basic Research* - 9318) (RX-001).
2. FTC Notice of Potential Illegal Marketing of Products that Claim to Cause Weight-

Loss, Reduce the Risk of Disease (Oct. 1, 2004) (RX-003).

13. Hearing Transcript of FTC Deception in Weight Loss Advertising : A workshop  
Note FTC 4917 defines "substantial weight loss as 1 lb./day (RX-017).

14. FTC's Advertising Policies, Frequently Asked Advertising Questions: Answers for  
Small Businesses (FTC Brochure 2004) (RX-018).

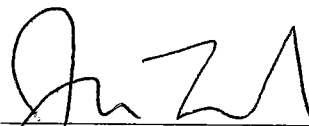
15. FTC Targets Products Claiming to Affect the Stress Hormone Cortisol (RX-023).

16. FTC's Denial of April 16, 2003 Petition for Declaratory Judgment Filed on Behalf of FTC v. [REDACTED]

17. FTC's Denial of Whittaker Petition (RX-034).

18. SBIP Applications Filed by Dr. Choumros for Radiology Study (RX-005)

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

**Counsel for Basic Research, LLC**  
**A.G. Waterhouse, LLC**  
**Klein-Becker USA, LLC**  
**Nutrasport, LLC**  
**Sovage Dermatologic Laboratories,**  
**LLC**

Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
18001 Old Cutler Road  
Miami, Florida 33157  
Tel. (305) 854-5353  
Fax (305) 854-5351

**Counsel for Basic Research, LLC**

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

**Counsel for Dennis Gay**

Ronald F. Price  
PETERS SCOFIELD PRICE  
*A PROFESSIONAL CORPORATION*

Salt Lake City, Utah 84111

Fax: (801) 322-2003

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Facsimile: (801) 322-2003

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**Counsel for Respondent Daniel B.  
Mowrey**

Mitchell K. Friedlander  
5742 West Harold Gatty Drive  
Salt Lake City, Utah 84111,

*Pro se.*

Dated: January 6, 2006

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BASIC RESEARCH, A.G. WATERHOUSE,  
KLEIN-BECKER USA, NUTRA SPORT, and  
SOVAGE DERMALOGIC LABORATORIES

PUBLIC

Docket No. 9318

DENNIS CAY

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

In the Matter of

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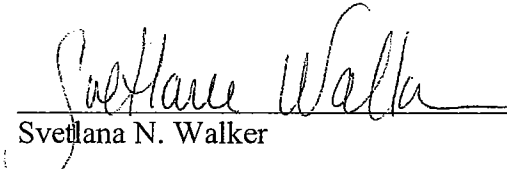
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbridge@burbridgeandmitchell.com

Ronald F. Price  
Peters Scofield Price  
340 Broadway Center  
111 East Broadway  
Salt Lake City, UT 84111

Email: rfp@nsnlawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5740 West 11000 South

Email: mkf555@msn.com

  
Svetlana N. Walker