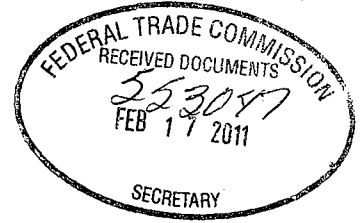


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

ORIGINAL



In the Matter of)
)

POM WONDERFUL LLC and)
ROLL INTERNATIONAL CORP.,)
)

STEWART A. RESNICK,)
LYNDA RAE RESNICK, and)
MATTHEW TUPPER,)
)

Respondents.)

DOCKET NO. 9344

**ORDER GRANTING COMPLAINT COUNSEL'S MOTION
TO SHORTEN RESPONDENTS' TIME TO RESPOND TO
MOTION TO AMEND SCHEDULING ORDER**

On February 16, 2011, Complaint Counsel filed a Motion to Shorten Respondents' Time to Respond to Complaint Counsel's Motion to Amend Scheduling Order, also filed by Complaint Counsel on February 16, 2011 ("Motion to Amend").

The Motion to Amend seeks to extend the February 18, 2011 deadline under the Scheduling Order for the completion of fact discovery for the purpose of taking the deposition of Dr. Aviram, a fact witness. In support of shortening Respondents' time to respond, Complaint Counsel avers that the deposition is tentatively scheduled for March 7, 2011, and that the normal 10-day response time under Rule 3.22(d), 16 C.F.R. § 3.22(d), would allow a response to the Motion to Amend to be filed as late as February 28, 2011. Complaint Counsel argues that such date will not allow sufficient time for Complaint Counsel to prepare for the deposition and finalize the scheduling of the deposition, should Complaint Counsel's Motion to Amend be granted. Accordingly, Complaint Counsel requests a shortening of the response time by four days, to February 24, 2011.

Rule 3.22(d) grants the Administrative Law Judge the discretion to shorten the time for a response to a motion. 16 C.F.R. § 3.22(d) (stating that opposing party shall answer "[w]ithin 10 days . . . or within such longer or shorter time as may be designated by the Administrative Law Judge or the Commission"). There is sufficient basis for expediting the time to respond in the circumstances presented and, accordingly, Complaint Counsel's Motion to Shorten Respondents' Time to Respond to Motion to

Amend Scheduling Order is GRANTED. It is hereby ORDERED that Respondents shall file a response to the Motion to Amend, if any, no later than February 24, 2011.

ORDERED:

DM Chappell
D. Michael Chappell
Chief Administrative Law Judge

Date: February 17, 2011