



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)
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)
POM WONDERFUL LLC and,)
ROLL INTERNATIONAL CORP.,)
companies, and)
)
STEWART A. RESNICK,)
LYNDA RAE RESNICK, and)
MATTHEW TUPPER, individually and)
as officers of the companies.)
_____)

Docket No. 9344

PUBLIC DOCUMENT

**COMPLAINT COUNSEL’S UNOPPOSED MOTION TO AMEND
SCHEDULING ORDER AND MEMORANDUM IN SUPPORT THEREOF**

Complaint Counsel respectfully moves the Court for an order amending the October 26, 2010 Scheduling Order to permit the parties to serve requests for admission (“RFAs”) no later than February 25, 2011.

The Scheduling Order currently requires the parties to serve RFAs no later than January 14, 2011. The proposed amendment would change the January 14, 2011 deadline to February 25, 2011, which is one week after the close of discovery. Responses to the RFAs would be due ten days later on March 7, 2011, pursuant to Rule 3.32(b).

As in *Intel Corporation*, FTC Docket No. 9341, Complaint Counsel believes that it will benefit significantly if permitted to extend the deadline for serving RFAs to no later than February 25, 2011. *See* Order Granting Joint Motion to Amend Scheduling Order (Apr. 30, 2010). In this case, the parties anticipate that most, if not all, of the fact depositions of Respondents will take place between January 14, 2011 and the close of discovery on February 18, 2011. Thus, the parties would benefit by serving RFAs shortly after the close of discovery, in

order to avoid issuing unnecessary RFAs. Further, the proposed change would not affect any other deadlines prescribed by the Scheduling Order, including the Commencement of Hearing on May 24, 2011. Complaint Counsel represents that it has conferred with Respondents, and on December 23, 2010 opposing counsel stated to Complaint Counsel that Respondents do not object to this proposal.

Date: December 28, 2010

/s/ Elizabeth K. Nach
Mary L. Johnson (202) 326-3115
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Federal Trade Commission
Bureau of Consumer Protection
601 New Jersey Avenue, NW
Washington, DC 20580

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

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POM WONDERFUL LLC and)	
ROLL INTERNATIONAL CORP.,)	
companies, and)	DOCKET NO. 9344
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**[Proposed] ORDER GRANTING COMPLAINT COUNSEL’S UNOPPOSED MOTION
TO AMEND SCHEDULING ORDER**

On December 28, 2010, Complaint Counsel filed an unopposed motion to amend the Scheduling Order dated October 26, 2010. Complaint Counsel proposed moving the deadline for issuance of requests for admission from January 14, 2011 to February 25, 2011.

Based upon the representations made by Complaint Counsel, the Unopposed Motion is GRANTED. It is hereby ORDERED that the Scheduling Order dated October 26, 2010 is amended such that requests for admission must be issued by February 25, 2011. The remaining dates and all additional provisions in the October 26, 2010 Scheduling Order remain in effect.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Dated:

CERTIFICATE OF SERVICE

I certify that on December 28, 2010, I filed and served *Complaint Counsel's Unopposed Motion to Amend Scheduling Order and Memorandum in Support Thereof* upon the following as set forth below:

One electronic copy via the FTC E-Filing System to:

Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Ave., N.W., Room H-159
Washington, DC 20580

One paper copy via hand delivery and one electronic copy via email to:

The Honorable D. Michael Chappell
Administrative Law Judge
600 Pennsylvania Ave., N.W., Room H-110
Washington, DC 20580
Email: oalj@ftc.gov

One electronic copy via email to:

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Date: December 28, 2010

/s/ Elizabeth K. Nach
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Complaint Counsel