

ORIGINAL
UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



_____))
In the Matter of))
))
POM WONDERFUL LLC and))
ROLL INTERNATIONAL CORP.,))
companies, and)) Docket No. 9344
))
STEWART A. RESNICK,)) PUBLIC
LYNDA RAE RESNICK, and))
MATTHEW TUPPER, individually and))
as officers of the companies.))
_____)

JOINT MOTION TO AMEND SCHEDULING ORDER

Complaint Counsel and Respondents POM Wonderful LLC, Roll International Corporation, Stewart Resnick, Lynda Resnick, and Matthew Tupper (collectively “Respondents”) respectfully request that the Court amend the October 26, 2010 Scheduling Order to permit the parties to serve requests for admission (“RFAs”) by March 4, 2011.

This motion is warranted as the parties are actively working to resolve several remaining written discovery requests that they anticipate will affect preparation of their RFAs. As stated in Complaint Counsel’s December 28, 2010 *Unopposed Motion to Amend the Scheduling Order*, which the Court granted to permit the parties to serve RFAs by February 25, 2011, the parties would benefit by serving RFAs shortly after they have completed written discovery, in order to avoid issuing unnecessary RFAs. Further, the new proposed March 4, 2011 deadline for serving RFAs would not affect any other deadlines prescribed by the Scheduling Order, including the Commencement of Hearing on May 24, 2011.

* * *

Respectfully submitted,

/s/ Elizabeth K. Nach

Mary L. Johnson
Elizabeth K. Nach
Complaint Counsel

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/s/ Skye L. Perryman

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STATEMENT OF PARTIES REGARDING MEET AND CONFER

On February 24, 2011, at approximately 2:40 p.m. (Eastern), Complaint Counsel Mary Johnson and Elizabeth Nach discussed by telephone with Respondents' Counsel Skye Perryman the possibility, in light of the parties' continuing efforts to complete written discovery, of requesting leave of Court to postpone the deadline for serving requests for admission to March 4, 2011. At approximately 5:20 p.m. (Eastern) the same day, the parties agreed by email correspondence to seek such leave of Court.

Respectfully submitted,

/s/ Elizabeth K. Nach

Mary L. Johnson
Elizabeth K. Nach
Complaint Counsel

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[Proposed] ORDER GRANTING JOINT MOTION TO AMEND SCHEDULING ORDER

On February 25, 2011, the parties filed a Joint Motion to Amend Scheduling Order (“Joint Motion”), requesting an order extending the deadline for issuance of requests for admission (“RFAs”) to March 4, 2011. The parties state that delaying the issuance of RFAs will permit them to resolve various outstanding written discovery issues that they expect will affect preparation of RFAs.

Upon full consideration of the parties’ request, the Joint Motion is GRANTED, and it is hereby ORDERED that the deadline for issuing RFAs under the Scheduling Order shall be March 4, 2011.

ORDERED:

Dated:

D. Michael Chappell
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that on February 25, 2011 I caused the filing and serving of the parties' *Joint Motion to Amend Scheduling Order* 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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Attorneys for Respondents

Date: February 25, 2011

/s/ Elizabeth K. Nach
Elizabeth K. Nach
Complaint Counsel