

ORIGINAL
UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



In the Matter of)
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)
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 FOR SCHEDULING MOTIONS TO COMPEL

Complaint Counsel and Respondents POM Wonderful LLC, Roll International Corporation, Stewart Resnick, Lynda Resnick, and Matthew Tupper (collectively “Respondents”) respectfully request that the Court permit them to file any necessary motions to compel written discovery by March 4, 2011.

Good cause exists for this motion because Complaint Counsel and Respondents are continuing to work through various written discovery issues. Although the parties made every effort to resolve these issues by February 25, 2011, the deadline the parties originally requested for filing motions to compel, a few outstanding issues remain. Thus, with the Court’s indulgence, the parties request additional time to resolve these remaining issues among themselves without the Court’s intervention. The parties fully expect such resolution, but in the event this does not occur, they request that the Court permit them to file any necessary motions to compel on or before March 4, 2011.

* * *

Respectfully submitted,

/s/ Elizabeth K. Nach

Mary L. Johnson
Elizabeth K. Nach
Complaint Counsel

Federal Trade Commission
Bureau of Consumer Protection
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/s/ Skye L. Perryman

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STATEMENT OF PARTIES REGARDING MEET AND CONFER

On February 22, 2011, at approximately 4:00 p.m. (Eastern), Complaint Counsel (Mary Johnson, Elizabeth Nach, and Serena Viswanathan) and Respondents' Counsel (Johnny Traboulsi and Skye Perryman) discussed by conference call outstanding written discovery requests, specifically interrogatories and document requests. The parties also exchanged emails on February 23 and 24, 2011, regarding the remaining discovery issues. On February 24, 2011, at approximately 11:00 a.m. (Eastern), the parties continued discussions by conference call and further reduced the number of remaining discovery issues. The parties also agreed to seek leave of Court to permit them to file any necessary motions to compel on written discovery issues by March 4, 2011.

Respectfully submitted,

/s/ Elizabeth K. Nach

Mary L. Johnson
Elizabeth K. Nach
Complaint Counsel

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| companies, and) | Docket No. 9344 |
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| as officers of the companies.) | |
| _____) | |

[Proposed] ORDER GRANTING JOINT MOTION FOR SCHEDULING MOTIONS TO COMPEL

On February 25, 2011, the parties filed a Joint Motion for Scheduling Motions to Compel (“Joint Motion”), requesting a deadline of March 4, 2011 to file motions to compel. The parties state that they are continuing to work through various written discovery issues and expect to be able to resolve the issues among themselves without intervention by the Administrative Law Judge. They request that, in the event they are unable to resolve their disputes, they be permitted to file any necessary motions to compel on or before March 4, 2011.

Upon full consideration of the parties’ request, the Joint Motion is GRANTED, and it is hereby ORDERED that the parties shall have through March 4, 2011 to file any necessary motions to compel.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Dated:

CERTIFICATE OF SERVICE

I certify that on February 25, 2011 I caused the filing and serving of the parties' *Joint Motion for Scheduling Motions to Compel* 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