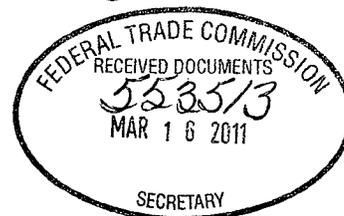


UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

ORIGINAL



In the Matter of )  
)  
)

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, )  
Respondents. )  
)

DOCKET NO. 9344

**ORDER GRANTING JOINT MOTION TO EXTEND DEADLINES  
FOR SUBMISSION AND REBUTTAL OF EXPERT REPORT**

On March 15, 2011, the parties filed a Joint Motion to Extend the Scheduling Order Deadlines ("Joint Motion") that are applicable to the submission and rebuttal of the report of Respondents' proffered linguistics expert, Dr. Ronald Butters ("Butters"). In support of the Joint Motion, the parties state that Butters has been retained by Respondents to analyze the advertisements at issue in the case, and that pursuant to the Scheduling Order in this case, his report would be due on March 18, 2011. According to the parties, on March 11, 2011, Complaint Counsel served Respondents with supplemental answers to interrogatories regarding Respondents' advertisements. Therefore, the parties assert, Butters needs additional time to issue his report, in order to address the advertisements identified in Complaint Counsel's supplemental answers.

The parties request that the deadline for Butters' expert report be extended by one week, to March 25, 2011, and that the deadline for Complaint Counsel to submit any rebuttal report to Butters' expert report also be extended by one week, to April 4, 2011. They argue that extending these deadlines by one week will not affect the April 12, 2011 Scheduling Order deadline for expert depositions, or the deadline for issuing the initial decision in this case.

Commission Rule of Practice 3.21(c)(2) states: "The Administrative Law Judge may, upon a showing of good cause, grant a motion to extend any deadline or time specified in this scheduling order other than the date of the evidentiary hearing . . . In determining whether to grant the motion, the Administrative Law Judge shall consider any extensions already granted, the length of the proceedings to date, the complexity of

the issues, and the need to conclude the evidentiary hearing and render an initial decision in a timely manner.” 16 C.F.R. § 3.21(c)(2).

Having fully considered the Joint Motion, and applying the factors in Rule 3.21(c)(2), there is good cause to extend the deadlines as requested by the parties. The requested extensions will not affect any remaining deadlines under the Scheduling Order, including the deadline for conclusion of all discovery, or the date for commencement of the evidentiary hearing. Similarly, extending the deadlines by one week for submission and rebuttal of Butters’ report will not affect the time for concluding the evidentiary hearing or issuing an initial decision. The complexity of the issues in this case also supports granting the Joint Motion.

Accordingly, the Joint Motion is GRANTED, and it is hereby ORDERED that the Scheduling Order is hereby amended to extend the deadline for submitting Butters’ expert report to March 25, 2011, and to extend the deadline for Complaint Counsel to submit any rebuttal report to Butters’ expert report to April 4, 2011. All remaining dates and all additional provisions in the October 26, 2010 Scheduling Order are unchanged.

ORDERED:

  
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D. Michael Chappell  
Chief Administrative Law Judge

Date: March 16, 2011