

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 MOTION TO EXTEND
DEADLINES FOR EXPERT REPORTS**

On March 18, 2011, Respondents, with the consent of Complaint Counsel, filed a Motion to Extend the Scheduling Order Deadlines for Submission of Expert Reports ("Motion"), with the exception of the deadlines that are applicable to the submission and rebuttal of the report of Respondents' proffered linguistics expert, Dr. Ronald Butters ("Butters"). *See* Order Granting Joint Motion to Extend Deadlines for Submission and Rebuttal of Expert Report of Dr. Ronald Butters, March 16, 2011.

In support of the Motion, Respondents state that Respondents, and in particular the Resnick Respondents, have been unable this week to review, consider, and work with experts to finalize the reports due to family-related issues. Therefore, the Motion requests an extension from March 18, 2011, the current deadline under the Scheduling Order, to 12:00 p.m. on March 21, 2011, to submit Respondents' expert reports for all experts other than Butters, and to extend the deadline for Complaint Counsel's submission of rebuttal reports from March 28, 2011 to March 30, 2011. Respondents further represent that they will endeavor to provide Complaint Counsel with materials relied on by their experts by the original deadline of March 18, 2011.


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 Motion, which is consented to, and applying the factors in Rule 3.21(c)(2), there is good cause to extend the deadlines as requested. 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 for Respondents’ expert reports and Complaint Counsel’s rebuttal reports, as requested, 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 Motion.

Accordingly, the Motion is GRANTED, and it is hereby ORDERED that the Scheduling Order is hereby amended to extend the deadline for submitting Respondents’ expert reports (except for Butters’ expert report) to 12:00 p.m. on March 21, 2011, and to extend the deadline for Complaint Counsel to submit any rebuttal reports (other than as to Butters’ expert report) to March 30, 2011. All remaining dates and all additional provisions in the October 26, 2010 Scheduling Order are unchanged.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: March 18, 2011