



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

)
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.)
_____)

Docket No. 9344
Public Document

COMPLAINT COUNSEL'S PRELIMINARY WITNESS LIST

Pursuant to the Court's Scheduling Order, dated October 26, 2010, Complaint Counsel hereby submits its *Preliminary Witness List* identifying individuals who may testify in Complaint Counsel's direct case (excluding expert witnesses and rebuttal expert witnesses) and a description of their proposed testimony.

The information disclosed herein is based upon the information reasonably available to Complaint Counsel at the current time. Where Complaint Counsel is aware that a proposed third-party witness is represented by counsel, the name, address, and telephone number of legal counsel is provided. Without prejudicing Complaint Counsel's ability to supplement this *Preliminary Witness List* at a later time in Complaint Counsel's *Expert Witness List* and *Final Proposed Witness List*, Complaint Counsel hereby offers its *Preliminary Witness List*.

**Complaint Counsel's Preliminary Witness List
In the Matter of POM Wonderful LLC, et al., Docket No. 9344**

1. *Accelovance Inc. representative; Individual To Be Determined*

Proposed Testimony: We anticipate that a representative from Accelovance Inc. will testify about research on POM Juice or POMx, and communications with the Respondents.

2. *Clifton Anderson, Former Roll International Corp. Employee*

Proposed Testimony: We anticipate Clifton Anderson will testify about the research and development and marketing expenditures relating to POM Juice and POMx, and the issue of common enterprise.

3. *Michael Aviram, PhD, Head, Lipid Research Laboratory,
Rambam Medical Center and Technion Faculty of Medicine Bat-Galim*

Proposed Testimony: We anticipate Michael Aviram will testify about his research on the antioxidant properties of POM Juice or POMx, his research exploring use of POM Juice or POMx for cardiovascular disease or conditions, and his communications with the Respondents.

4. *Gregory Bovitz or other representative, Bovitz Research Group*

Counsel for Bovitz Research Group

Adam K. Treiger, Esq.
Stowell, Zeilenga, Ruth, Vaughn & Treiger LLP
2815 Townsgate Road, Suite 330
Westlake Village, CA 91361
805-446-7612

Proposed Testimony: We anticipate that a representative of Bovitz Research Group will testify about consumer research performed on behalf of POM Wonderful LLC, and communications with the Respondents.

5. *Bob Bryant, Senior Vice President and Chief Financial Officer, Roll International Corp.*

Proposed Testimony: We anticipate Bob Bryant will testify about the research and development and marketing expenditures relating to POM Juice and POMx, and the issue of common enterprise.

6. *Rina Calderon, Former POM Wonderful Employee*

Proposed Testimony: We anticipate Rina Calderon will testify about the development of the claims and marketing strategy for POM Juice and POMx.

7. *Michael Carducci, M.D., Professor in Oncology and Urology, Johns Hopkins Medical Institutions*

Counsel for Michael Carducci

Terri L. Turner, Associate General Counsel
Johns Hopkins University
Office of the Vice President & General Counsel
3400 N. Charles Street
113 Garland Hall
Baltimore, MD 21218
410-516-8128

Proposed Testimony: We anticipate Michael Carducci will testify about his research exploring use of POM Juice or POMx for prostate cancer, and his communications with the Respondents.

8. *Craig Cooper, Vice President and General Counsel, POM Wonderful LLC*

Proposed Testimony: We anticipate Craig Cooper will testify about the marketing and advertising review of POM Juice and POMx, and the issue of common enterprise.

9. *Michael Davidson, MD, Radiant Research, Inc.*

Proposed Testimony: We anticipate Michael Davidson will testify about his research exploring use of POM Juice or POMx for cardiovascular disease or conditions, and his communications with the Respondents.

10. *Robert deGroof, PhD, Keystone Scientific Management*

Counsel for Robert deGroof
Roll Law Group, PC
11444 West Olympic Boulevard, 10th Floor
Los Angeles, CA 90064
310-966-8400

Proposed Testimony: We anticipate Robert deGroof will testify about his research on POM Juice or POMx while employed at Accelovance Inc., and his communications with the Respondents.

11. *Mark Dreher, PhD, Former POM Wonderful Employee*

Counsel for Mark Dreher
William M. Hannay, Esq.
Schiff Hardin LLP
233 South Wacker Drive, Suite 6600
Chicago, IL 60606
312-258-5617

Proposed Testimony: We anticipate Mark Dreher will testify about his participation in directing research and development for POM Juice and POMx and developing marketing claims and strategy for POM Juice and POMx.

12. *Food and Drug Administration (FDA) representative, FDA Center for Drug Evaluation and Research (CDER); Individual To Be Determined*

Proposed Testimony: We anticipate that a representative from CDER will testify about any communications with the Respondents and authenticate documents.

13. *FDA representative, FDA Center for Food Safety and Applied Nutrition (CFSAN); Individual To Be Determined*

Proposed Testimony: We anticipate that a representative from CFSAN will testify about the warning letter FDA sent to POM Wonderful LLC on February 23, 2010, and authenticate documents.

14. *Christopher Forest, Assistant Professor of Clinical Family Medicine, Keck School of Medicine, University of Southern California*

Proposed Testimony: We anticipate Christopher Forest will testify about his research with Dr. Harin Padma-Nathan exploring use of POM Juice or POMx for erectile dysfunction, and his communications with the Respondents.

15. *Brad Gillespie, POM Wonderful LLC*

Proposed Testimony: We anticipate Brad Gillespie will testify about his participation in directing research and development for POM Juice and POMx.

16. *Alice Gold, OTX*

Proposed Testimony: We anticipate Alice Gold will testify about consumer research performed on behalf of POM Wonderful LLC, and communications with the Respondents.

17. *Staci Glovsky, Former POM Wonderful Employee*

Proposed Testimony: We anticipate Staci Glovsky will testify about the development of the claims and marketing strategy for the POMx products.

18. *David Heber, MD, PhD, and other researchers, David Geffen School of Medicine, Center for Human Nutrition, University of California, Los Angeles (UCLA)*

Counsel for David Heber

Jane E. Boubelik, Esq.

Chief Counsel

Office of Legal Affairs, UCLA Health Sciences

10920 Wilshire Blvd., Suite 420

Mail Code 163246

Los Angeles, CA 90024
310-794-3138

Proposed Testimony: We anticipate David Heber and other UCLA researchers will testify about their research exploring the antioxidant properties and health benefits of POM Juice and POMx, and their communications with the Respondents.

19. *Sarah Hemmati, Chief Financial Officer, POM Wonderful LLC*

Proposed Testimony: We anticipate Sarah Hematti will testify about the research and development and marketing expenditures relating to POM Juice and POMx.

20. *James Hill, MD, Professor of Pediatrics and Medicine, Director, Center for Human Nutrition, University of Colorado Denver*

Proposed Testimony: We anticipate James Hill will testify about his research exploring use of POM Juice or POMx for cardiovascular disease or conditions, and his communications with the Respondents.

21. *Kristen Hirsch, Sr. Professional Research Assistant, Center for Human Nutrition, University of Colorado Denver*

Proposed Testimony: We anticipate Kristen Hirsch will testify about her research with Dr. James Hill exploring use of POM Juice or POMx for cardiovascular disease or conditions, and her communications with the Respondents.

22. *Pam Holmgren, Former POM Wonderful Employee*

Proposed Testimony: We anticipate Pam Holmgren will testify about public relations strategy, press releases, and study publications relating to POM Juice and POMx.

23. *David Kessler, M.D., Professor of Pediatrics, Epidemiology, and Biostatistics, University of California at San Francisco*

Proposed Testimony: We anticipate David Kessler will testify about his communications with the Respondents regarding scientific studies and claims for POM Juice and POMx.

24. *Diane Kuyoomjian, Former POM Wonderful Employee*

Counsel for Diane Kuyoomjian
Roll Law Group, PC
11444 West Olympic Boulevard, 10th Floor
Los Angeles, CA 90064
310-966-8400

Proposed Testimony: We anticipate Diane Kuyoomjian will testify about the development of the claims and marketing strategy for POM Juice and POMx, as well as consumer research about POM Juice and POMx.

25. *Harley Liker, M.D., David Geffen School of Medicine at UCLA; Outside Medical Director, POM Wonderful LLC*

Counsel for Harley Liker
John D. Graubert, Esq. and Skye L. Perryman, Esq.
Covington & Burling LLP
1201 Pennsylvania Ave., NW
Washington DC 20004-2401
202-662-5938

Proposed Testimony: We anticipate Harley Liker will testify about his participation in research and development and publication of scientific studies pertaining to POM Juice and POMx.

26. *Keith Martin, PhD, Former POM Wonderful Employee*

Proposed Testimony: We anticipate Keith Martin will testify about his participation in research and development for POM Juice and POMx, and communications regarding product claims.

27. *Monique McLaws, Former POM Wonderful Employee*

Proposed Testimony: We anticipate Monique McLaws will testify about the development of the claims and marketing strategy for POM Juice.

28. *Dean Ornish, MD, Preventive Medicine Research Institute*

Counsel for Dean Ornish

Joel S. Goldman, Esq.
Hanson Bridgett LLP
425 Market Street, 26th Floor
San Francisco, CA 94105
415-995-5028

Proposed Testimony: We anticipate Dean Ornish will testify about his research exploring use of POM Juice or POMx for cardiovascular disease or conditions, and his communications with the Respondents.

29. *Harin Padma-Nathan, MD*

Proposed Testimony: We anticipate Harin Padma-Nathan will testify about his research exploring use of POM Juice or POMx for erectile dysfunction, and his communications with the Respondents.

30. *Allan Pantuck, Assistant Professor, Department of Urology, UCLA*

Counsel for Allan Pantuck

Jane E. Boubelik, Esq.
Chief Counsel
Office of Legal Affairs, UCLA Health Sciences
10920 Wilshire Blvd., Suite 420
Mail Code 163246
Los Angeles, CA 90024
310-794-3138

Proposed Testimony: We anticipate Allan Pantuck will testify about his research exploring use of POM Juice or POMx for prostate cancer, and his communications with the Respondents.

31. *Michael Perdigao, Roll International Corporation*

Proposed Testimony: We anticipate Michael Perdigao will testify about the development of the claims and marketing strategy for POM Juice and POMx.

32. *Roni Pfeffer, POM Wonderful LLC*

Proposed Testimony: We anticipate Roni Pfeffer will testify about development of the claims and marketing strategy for POM Juice and POMx.

33. *Fiona Posell, Former POM Wonderful Employee*

Proposed Testimony: We anticipate Fiona Posell will testify about public relations strategy, press releases, and study publications relating to POM Juice and POMx.

34. *Charlene Rainey, Director of Research, Date Research Group*

Proposed Testimony: We anticipate Charlene Rainey will testify about her prior role as consultant to POM Wonderful LLC regarding FDA regulatory and labeling issues for POMx.

35. *Jess Reed, PhD, Professor, Animal Science, University of Wisconsin-Madison*

Counsel for Jess Reed
Benjamin Griffiths, Esq.
Office of Legal Services
University of Wisconsin-Madison
361 Bascom Hall
500 Lincoln Drive
Madison, WI 53706
608-263-7400

Proposed Testimony: We anticipate Jess Reed will testify about his research exploring the antioxidant properties of POM Juice or POMx, his research exploring use of POM Juice or POMx for cardiovascular disease or conditions, and his communications with the Respondents.

36. *John Regal, Former POM Wonderful Employee*

Counsel for John Regal
Daniel K. Hagood, Esq.
Fitzpatrick Hagood Smith & Uhl LLP
Chateau Plaza, Suite 1400
2515 McKinney Avenue
Dallas, Texas 75201
214-237-0900

Proposed Testimony: We anticipate John Regal will testify about the development of the claims and marketing strategy for POM Juice and POMx.

37. *Lynda Rae Resnick, Owner, POM Wonderful LLC
Owner and Director, Roll International Corp.*

Proposed Testimony: We anticipate Lynda Rae Resnick will testify about the business operations of POM Wonderful LLC and Roll International Corporation; the marketing and advertising development and strategy of POM Juice and POMx; the scientific substantiation for the challenged claims; and the issue of common enterprise.

38. *Stewart A. Resnick, Chairman and Owner, POM Wonderful LLC;
Owner and Director, Roll International Corp.*

Proposed Testimony: We anticipate Stewart A. Resnick will testify about the business operations of POM Wonderful LLC and Roll International Corporation; the research and development and marketing of POM Juice and POMx; the scientific substantiation for the challenged claims; and the issue of common enterprise.

39. *Jeff Rushton, Former POM Wonderful Employee*

Proposed Testimony: We anticipate Jeff Rushton will testify about website development and content relating to POM Juice and POMx.

40. *Risa Schulman, PhD, Former POM Wonderful Employee*

Counsel for Risa Schulman
Roll Law Group, PC
11444 West Olympic Boulevard, 10th Floor
Los Angeles, CA 90064
310-966-8400

Proposed Testimony: We anticipate Risa Schulman will testify about her participation in research and development, and development of marketing claims and strategy, for POM Juice and POMx.

41. *Paul Sheppard, Vice President, General Manager, Beverages, POM Wonderful LLC*

Proposed Testimony: We anticipate Paul Sheppard will testify about manufacturing and sales of POM Juice.

42. *Martin Shreeves, Director, Medical Outreach Marketing, POM Wonderful LLC*

Proposed Testimony: We anticipate Martin Shreeves will testify about his participation in marketing POM Juice or POMx and his interactions with scientific researchers.

43. *Jennifer Stein Simms, Former POM Wonderful and Roll International Employee*

Proposed Testimony: We anticipate Jennifer Stein Simms will testify about the development of the claims and marketing strategy for POM Juice and POMx.

44. *Michael Sumner, Research Manager, University of California Berkeley School of Law*

Proposed Testimony: We anticipate Michael Sumner will testify about his research at the Preventive Medicine Research Institute exploring use of POM Juice or POMx for cardiovascular disease or conditions, and his communications with the Respondents.

Counsel for Michael Sumner

Christopher J. Steskal, Esq.
Fenwick & West LLP
555 California Street, 12th Floor
San Francisco, CA 94104
415-875-2439

45. *Matthew Tupper, President, POM Wonderful LLC*

Proposed Testimony: We anticipate Matthew Tupper will testify about the business operations of POM Wonderful LLC; the marketing and advertising development and strategy of POM Juice and POMx; the scientific substantiation for the challenged claims; and the issue of common enterprise.

46. *Kurt Vetter, Senior Vice President of Sales & General Manager Asia Pacific, POM Wonderful LLC*

Proposed Testimony: We anticipate Kurt Vetter will testify about sales figures for POM Juice and POMx.

47. *Gerdi Weidner, PhD, Professor, San Francisco State University (Biology)*

Proposed Testimony: We anticipate Gerdi Weidner will testify about her research at the Preventive Medicine Research Institute exploring use of POM Juice or POMx for cardiovascular disease or conditions, and her communications with the Respondents.

Date: December 1, 2010

/s/ Elise D. Whang
Mary L. Johnson (202) 326-3115
Elise D. Whang (202) 326-2061
Elizabeth K. Nach (202) 326-2611
Federal Trade Commission
Bureau of Consumer Protection
601 New Jersey Avenue, NW
Washington, DC 20580

CERTIFICATE OF SERVICE

I certify that on December 1, 2010, I filed and served *Complaint Counsel's Preliminary*

Witness List 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-528
Washington, DC 20580
Email: oalj@ftc.gov

One electronic copy via email to:

John D. Graubert, Esq.
Covington & Burling LLP
1201 Pennsylvania Ave., NW
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Attorney for Respondents

Date: December 1, 2010

/s/ Andrew D. Wone
Andrew D. Wone
Complaint Counsel