

ORIGINAL

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



In the Matter of)	
)	
POM WONDERFUL LLC and)	
ROLL GLOBAL., as successor in interest)	
to Roll International companies, and)	Docket No. 9344
)	PUBLIC
)	
STEWART A. RESNICK,)	
LYNDA RAE RESNICK, and)	
MATTHEW TUPPER, individually and)	
as officers of the companies.)	

MOTION TO EXTEND THE SCHEDULING ORDER DEADLINES FOR SUBMISSION OF MOTIONS *IN LIMINE* REGARDING COMPLAINT COUNSEL’S REBUTTAL EXPERT WITNESSES

Pursuant to Rule 3.21(c)(2) of the Commission’s Rules of Practice, Respondents request that the Court amend the scheduling order to permit Respondents to file, if necessary, any motions *in limine* or motions to exclude expert testimony of Complaint Counsel’s Rebuttal Witnesses until May 2, 2011, as opposed to April 20, 2011, as provided in the Scheduling Order. Respondents request that Complaint Counsel be required to submit any opposition on May 9, 2011.

Good cause exists for this extension because, given the prior modifications of the Scheduling Order, depositions of Complaint Counsel’s rebuttal experts will not be completed until April 28, 2011. Extending this deadline will not delay the Scheduling Order further nor will this deadline delay the Court in issuing an Initial Decision in this matter. Complaint Counsel has consented to this requested extension. Accordingly, the Respondents request that their motion be granted.

* * *

Respectfully Submitted,

/s/ John D. Graubert

John D. Graubert

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Counsel for Respondents Stewart

Resnick and Lynda Rae Resnick

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

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POM WONDERFUL LLC and)	
ROLL INTERNATIONAL CORP.,)	
companies, and)	Docket No. 9344
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LYNDA RAE RESNICK, and)	
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as officers of the companies)	

**[DRAFT PROPOSED ORDER] GRANTING MOTION TO AMEND THE
SCHEDULING ORDER**

On April 19, 2011, Respondents moved this Court to extend the deadlines on the Scheduling Order to permit motions regarding Complaint Counsel’s rebuttal experts to be filed on May 2, 2011 and for Complaint Counsel to submit any opposition on May 9, 2011. Having reviewed the Respondents’ motion and considered the reasons for this extension, the motion is GRANTED.

ORDERED

Honorable D. Michael Chappell
Administrative Law Judge

Dated:

STATEMENT OF PARTIES REGARDING MEET AND CONFER

On Monday, April 18, 2011, Respondents' Counsel, by e-mail, asked for consent from Complaint Counsel to extend the deadline for motions relating to Complaint Counsel's witnesses. Thereafter, Complaint Counsel consented.

Respectfully Submitted,

/s/ John D. Graubert

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Skye L. Perryman

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*Counsel for Respondents Stewart Resnick
and Lynda Rae Resnick*

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

In the Matter of)	
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as successor in interest to Roll)	
International Corporation,)	
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)	PUBLIC
STEWART A. RESNICK,)	
LYNDA RAE RESNICK, and)	
MATTHEW TUPPER, individually and)	
as officers of the companies.)	

CERTIFICATE OF SERVICE

I hereby certify that this is a true and correct copy of Respondents' **MOTION TO EXTEND THE SCHEDULING ORDER DEADLINES FOR SUBMISSION OF MOTIONS *IN LIMINE* REGARDING COMPLAINT COUNSEL'S REBUTTAL EXPERT WITNESSES**, and that on this 19th day of April, 2011, I caused the foregoing to be served by hand delivery and e-mail on the following:

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW
H-113
Washington, DC 20580

Donald S. Clark
The Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
H-135
Washington, DC 20580

I hereby certify that this is a true and correct copy of Respondents' **MOTION TO EXTEND THE SCHEDULING ORDER DEADLINES FOR SUBMISSION OF MOTIONS *IN LIMINE* REGARDING COMPLAINT COUNSEL'S REBUTTAL EXPERT WITNESSES**, and that on this 19th day of April, 2011, I caused the foregoing to be served by e-mail on the following:

Mary Engle
Associate Director for Advertising Practices
Bureau of Consumer Protection
Federal Trade Commission
601 New Jersey Avenue, NW
Washington, DC 20580

Mary Johnson, Senior Counsel
Heather Hipsley
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*Counsel for Respondents Stewart Resnick
and Lynda Rae Resnick*

Dated: April 19, 2011