

ORIGINAL

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)

POM WONDERFUL LLC and,)
ROLL GLOBAL LLC,)
as successor in interest to)
Roll International Corporation,)
companies, and)

STEWART A. RESNICK,)
LYNDA RAE RESNICK, and)
MATTHEW TUPPER, individually and)
as officers of the companies.)

Docket No. 9344

PUBLIC DOCUMENT



CONSENT MOTION FOR JOINT SCHEDULING CONFERENCE
AND MEMORANDUM IN SUPPORT THEREOF

Pursuant to Rule 3.21(f) of the Commission Rules of Practice, Complaint Counsel respectfully requests a scheduling or status conference as soon as possible to be held jointly with a scheduling conference *In the Matter of ProMedica Health System, Inc.*, Docket No. 9346. Complaint Counsel in the *ProMedica* case is filing a similar consent motion today in that docket. The instant case is scheduled for an evidentiary hearing to start on May 24, 2011, with a one week recess beginning May 31. The *ProMedica* case is scheduled for an evidentiary hearing to start on May 31, 2011. Both cases may take up to four to six weeks or the full 210 hours allowed by Rule 3.41(b). Rule 3.21(f) allows for "additional prehearing and status conferences . . . as may be needed to ensure the just and expeditious disposition of the proceeding and to avoid unnecessary cost." Counsel for Respondents consent to this motion. Complaint Counsel and Respondents believe a status conference will provide clarity regarding scheduling and disposition of the two hearings slated to begin this month.

In order for all parties concerned to schedule witnesses and meet our various scheduling order deadlines, we request a scheduling conference this week, if possible. Counsel for all parties are available anytime the Court is available from Wednesday of this week on. The parties are prepared to discuss this consent motion with the Court at its request. A proposed order is attached.

Date: May 2, 2011

/s/ Mary L. Johnson
Mary L. Johnson (202) 326-3115
Federal Trade Commission
Bureau of Consumer Protection
601 New Jersey Avenue, NW
Washington, DC 20580

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

In the Matter of)
)
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ROLL GLOBAL LLC,)
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Roll International Corporation,)
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DOCKET NO. 9344

)
STEWART A. RESNICK,)
LYNDA RAE RESNICK, and)
MATTHEW TUPPER, individually and)
as officers of the companies.)
_____)

**[Proposed] ORDER GRANTING CONSENT MOTION
FOR JOINT SCHEDULING CONFERENCE**

On May 2, 2011, Complaint Counsel filed a consent motion requesting a Scheduling Conference. Complaint Counsel in the *ProMedica* matter (Docket No. 9346) has filed a similar request in its matter. Based upon the representations made by Complaint Counsel and the scheduling conflict in conducting the evidentiary hearings in these matters, the Consent Motion is GRANTED. It is hereby ORDERED that a Scheduling Conference be held May ___, 2011 at _____ in Room 532. Counsel for all parties are required to be present.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Dated:

STATEMENT OF PARTIES REGARDING MEET AND CONFER

On April 29, 2011, at approximately 8:30 p.m. (Eastern), Complaint Counsel Heather Hipsley and Respondents' Counsel John Graubert agreed by email to a consent motion for a scheduling conference. Copied on the email were Complaint Counsel Mary Johnson and Respondents' Counsel Kristina Diaz.

Respectfully submitted,

Date: May 2, 2011

/s/ Mary L. Johnson
Mary L. Johnson
Complaint Counsel

CERTIFICATE OF SERVICE

I certify that on May 2, 2011, I caused to be filed and served *Consent Motion for Joint Scheduling Conference and Memorandum in Support Thereof* 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:

John D. Graubert, Esq.
Covington & Burling LLP
1201 Pennsylvania Ave., NW
Washington DC 20004-2401
Email: Jgraubert@cov.com

Kristina Diaz, Esq.
Roll Law Group
kdiaz@roll.com

Bertram Fields, Esq.
Greenberg Glusker
bfields@greenbergglusker.com

Attorneys for Respondents

Date: May 2, 2011

/s/ Mary L. Johnson
Mary L. Johnson
Complaint Counsel