

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



In the Matter of)
)
POM WONDERFUL LLC and)
ROLL INTERNATIONAL CORP.,)
companies, and) Docket No. 9344
)
STEWART A. RESNICK,) Public Document
LYNDA RAE RESNICK, and)
MATTHEW TUPPER, individually and)
as officers of the companies.)

JOINT MOTION FOR RECESSES DURING HEARING

Complainant and Respondents POM Wonderful LLC, Roll International Corp., Stewart Resnick, Lynda Resnick, and Matthew Tupper, (collectively “Respondents”), by their undersigned counsel, respectfully move for the following scheduling recesses during the hearing set to commence on May 24, 2011.

I. Recess Requested by Complainant

Complainant respectfully requests a one-day recess in the above-captioned matter, beginning at 5:00 p.m. on Monday, June 13, 2011 and ending at 10:00 a.m. on Wednesday, June 15, 2011. This recess is needed to accommodate Complainant counsel’s desire to attend her daughter’s graduation on June 14, 2011, and therefore good cause exists for this request.

Complainant’s counsel sought the consent of Respondents’ counsel and Respondents have no objection.

II. Recess Requested By Respondents

Respondents respectfully request that the Court recess proceedings at 5:00 p.m. on Friday, May 27, 2011 and resume the proceedings at 10:00 a.m. on Monday, June 6, 2011. As

counsel for Respondents noted at the Scheduling Conference on October 26, 2010, good cause exists for this request because Respondents Stuart Resnick, Lynda Resnick, and Matthew Tupper, along with other persons whose presence are critical to the hearing (including in-house legal counsel for Respondents POM Wonderful LLC and Roll International Corp.) are scheduled to participate in a long planned meeting where their presence is deemed critically important, and that cannot practically be rescheduled.¹

Respondents' counsel sought the consent of Complainant's counsel and Complainant has no objection to this request.

¹ As noted at the Scheduling Conference, the meeting involves all key executives from Roll International and its affiliates, including POM Wonderful. Respondents have paid certain hotel, travel, and meeting expenses, which are, in substantial part, non-refundable.

* * *

Accordingly, Complainant and Respondents respectfully request that this motion be granted.

Respectfully Submitted,

s/ Tawana E. Davis
Tawana E. Davis

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COMMISSIONERS: Jon Leibowitz, Chairman
 William E. Kovacic
 J. Thomas Rosch
 Edith Ramirez
 Julie Brill

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CERTIFICATE OF SERVICE

I hereby certify that this is a true and correct copy of the Joint Motion of Recess During Hearing, and that on this 3rd day of November, 2010, I caused the foregoing to be served by first class mail on each of the following:

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

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

Mary Engle
Associate Director for Advertising Practices
Bureau of Consumer Protection
Federal Trade Commission
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Attorneys for Respondents

Dated: November 3, 2010