



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

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

**JOINT MOTION TO EXTEND THE SCHEDULING ORDER DEADLINES FOR
SUBMISSION OF EXPERT REPORT BY RONALD BUTTERS**

Pursuant to Rule 3.21(c)(2) of the Commission's Rules of Practice, the parties request that the Court amend the scheduling order to permit Dr. Ronald Butters, a linguistic expert who has been retained by Respondents to analyze the advertisements at issue in the case, to submit his expert report on March 25, 2011, as opposed to March 18, 2011, which is the date currently provided by the Scheduling Order. The parties also request that the Court permit Complaint Counsel to submit any rebuttal expert report to Dr. Butters' report on April 4, 2011.

Good cause exists for this extension because Dr. Butters needs additional time to address advertisements that Complaint Counsel identified in its Supplemental Interrogatory Responses served on March 11, 2011. Moreover, extending this deadline will not delay the schedule further, as Dr. Butters will be deposed prior to the April 12 deadline for expert depositions provided by the Scheduling Order. Nor will extension of this deadline delay the Court in issuing an Initial Decision in this matter. Accordingly, the parties request that their motion be granted.

* * *

Respectfully Submitted,

/s/ Heather Hipsley

Heather Hipsley
Serena Viswanathan

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Complaint Counsel

/s/ John Graubert

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Counsel for Respondents

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

On March 15, 2011, the parties moved this Court to extend the deadlines on the Scheduling Order to permit Dr. Butters to submit an expert report on March 25, 2011 and for Complaint Counsel to submit its rebuttal report on April 4, 2011. Having reviewed the parties' motion and considered the reasons for this extension, the motion is GRANTED.

ORDERED

Dated:

Honorable D. Michael Chappell
Administrative Law Judge

STATEMENT OF PARTIES REGARDING MEET AND CONFER

On Friday, March 11, 2011, Complaint Counsel served their Second Supplemental Response to Respondent POM Wonderful LLC's First Set of Interrogatories.

On March Tuesday, March 15, 2011 at approximately 11:30 a.m., Respondents' counsel (Skye Perryman) e-mailed Complaint Counsel (Heather Hipsley, Serena Viswanathan, and Mary Johnson) to request a meet-and-confer on the Supplemental Response in light of the expert report deadline.

At approximately 11:45 a.m., Respondents' counsel (John Graubert and Skye Perryman) conferred by telephone with Complaint Counsel (Heather Hipsley and Serena Viswanathan). Respondents' counsel requested that the deadline for Dr. Butters' report be extended in light of the additional material provided in the Complaint Counsel's Second Supplemental Response to Respondent POM Wonderful LLC's First Set of Interrogatories. Respondents' counsel indicated that by making this request they were not waiving any right to challenge the appropriateness of or make arguments regarding the advertisements disclosed in Complaint Counsel's Second Response.

At approximately 1:30 p.m., Complaint Counsel (Heather Hipsley) e-mailed Respondents' Counsel (John Graubert and Skye Perryman) agreeing to a one-week extension for Dr. Butters' report and requesting that Complaint counsel provide its expert report on April 4, 2011. The parties also agreed that Dr. Butters' deposition would be conducted on April 8, 2011.

Thereafter, the parties agreed to file the attached Joint Motion to Extend the Deadlines in the Scheduling Order.

* * *

Respectfully Submitted,

/s/ Heather Hipsley

Heather Hipsley
Serena Viswanathan

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Counsel for Respondents

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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 Parties' **JOINT MOTION TO EXTEND THE SCHEDULING ORDER DEADLINES FOR SUBMISSION OF EXPERT REPORT BY RONALD BUTTERS**, and that on this 15th day of March, 2011, I caused the foregoing to be served by FTC E-File and hand delivery on the following:

Donald S. Clark
The Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Rm. H-159
Washington, DC 20580

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW
Rm. H-110
Washington, DC 20580

I hereby certify that this is a true and correct copy of the Parties' **JOINT MOTION TO EXTEND THE SCHEDULING ORDER DEADLINES FOR SUBMISSION OF EXPERT REPORT BY RONALD BUTTERS**, and that on this 15th day of March, 2011, I caused the foregoing to be served by e-mail on the following:

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Associate Director for Advertising Practices
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Federal Trade Commission
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Washington, DC 20580

Heather Hipsley
Mary L. Johnson
Tawana Davis
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*Counsel for Respondents Stewart Resnick
and Lynda Rae Resnick*

Dated: March 15, 2011