

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

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

**ORDER GRANTING CONSENT MOTION
TO AMEND SCHEDULING ORDER**

On March 23, 2011, Complaint Counsel, with the consent of Respondents, filed a Motion to Extend the Scheduling Order to permit a limited extension of deadlines: 1) for the parties to exchange their final proposed witness and exhibit lists; and 2) for motions *in limine* and *in camera* treatment of proposed trial exhibits, and responses thereto. (“Consent Motion”).

Commission Rule of Practice 3.21(c)(2) states: “The Administrative Law Judge may, upon a showing of good cause, grant a motion to extend any deadline or time specified in this scheduling order other than the date of the evidentiary hearing . . . In determining whether to grant the motion, the Administrative Law Judge shall consider any extensions already granted, the length of the proceedings to date, the complexity of the issues, and the need to conclude the evidentiary hearing and render an initial decision in a timely manner.” 16 C.F.R. § 3.21(c)(2).

Under the current Scheduling Order, the following deadlines are in place: March 24, 2011, Complaint Counsel provides its final proposed witness and exhibit lists; April 5, 2011, Respondents’ Counsel provides its final proposed witness and exhibit lists; April 15, 2011, deadline for filing motions *in limine* and requests for *in camera* treatment of proposed trial exhibits; and April 26, 2011, deadline for filing responses to motions *in limine* and to requests for *in camera* treatment. The Consent Motion seeks the following extensions: March 29, 2011, Complaint Counsel provides its final proposed witness and


exhibit lists; April 11, 2011, Respondents' Counsel provides its final proposed witness and exhibit lists; April 20, 2011, deadline for filing motions *in limine* and requests for *in camera* treatment of proposed trial exhibits; and May 2, 2011, deadline for filing responses to motions *in limine* and to requests for *in camera* treatment.

Having considered the Motion, which is consented to, and applying the factors in Rule 3.21(c)(2), the deadlines will be extended as requested. However, the parties are advised that there are strict requirements for the granting of *in camera* treatment and are directed to follow the appropriate procedures. 16 C.F.R. § 3.45; *In re Polypore Int'l, Inc.*, 2009 FTC LEXIS 100 (May 6, 2009). Failure to comply may result in denial of a motion for *in camera* treatment. The parties are also advised that motions *in limine* are generally used to eliminate evidence that is clearly inadmissible. *In re Daniel Chapter One*, 2009 FTC LEXIS 85, *19-20 (April 20, 2009).

The requested extensions will not affect the date for commencement or conclusion of the evidentiary hearing or issuing an initial decision.¹ The complexity of the issues in this case supports granting the Motion. Accordingly, the Motion is GRANTED, and it is ORDERED that the Scheduling Order is hereby amended to extend deadlines as follows: March 29, 2011, Complaint Counsel shall provide its final proposed witness and exhibit lists; April 11, 2011, Respondents' Counsel shall provide its final proposed witness and exhibit lists; April 20, 2011, deadline for filing motions *in limine* and requests for *in camera* treatment of proposed trial exhibits; and May 2, 2011, deadline for filing responses to motions *in limine* and requests for *in camera* treatment.

All remaining dates and all additional provisions in the October 26, 2010 Scheduling Order are unchanged.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: March 25, 2011

¹ As determined in the February 23, 2011 Order regarding expert witnesses, Complaint Counsel's case challenges multiple products, multiple advertisements, and multiple areas of science and poses at least two theories of liability. Over the course of this proceeding, numerous extensions have been requested and granted. The parties are advised that if further extensions are necessary, the hearing date may be affected. Any change in the hearing date is governed by Rule 3.41(b).