

# ORIGINAL



UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

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

**POM WONDERFUL LLC’S RESPONSE TO  
REQUEST FOR ADMISSIONS**

POM Wonderful LLC (“POM”) responds and objects to Complaint Counsel’s Request for Admissions (“Requests”) as set forth below. The following responses are made solely for purposes of this action. Each response is subject to all objections as to relevance, materiality, and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court. All evidentiary objections and grounds are expressly reserved. POM’s responses to Request for Admissions are subject to the provisions of the Protective Order entered in this action.

Words or terms used in the following responses shall be construed in accordance with their normal meaning and connotations, and shall in no way be interpreted as terms of art or statutorily defined terms used in law, and POM specifically disavows any such meaning or connotation that might be accorded to such terms.

No incidental or implied admissions are intended by these responses. The fact that POM has objected or responded to any Request shall not be deemed an admission that POM accepts

or admits the existence of any facts set forth or assumed by such Request or that such objection or response constitutes admissible evidence. The fact that POM has responded to part or all of any Request is not intended to and shall not be construed to be a waiver by POM of any part of any objection to any Request.

The responses and objections are made on the basis of information and writings presently available to and located by POM upon reasonable investigation. POM expressly reserves the right to produce further documents in response to these Requests. Further, POM expressly reserves the right to modify, revise, supplement, or amend its responses as it deems appropriate.

### **GENERAL OBJECTIONS**

Each of the following general objections is incorporated into each of POM's responses as though fully set forth therein, and is in addition to any specific objections stated within those responses.

1. POM objects to the Requests, including the instructions contained therein, to the extent that they are overbroad, unduly burdensome, oppressive, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence.

2. POM objects to the Requests, including the instructions contained therein, to the extent that they may encompass information and documents that are protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, protection, or exemption, as well as any information or documents that reveal the impressions, conclusions, opinions, legal research, or theories of POM's attorneys or their agents. No such information will be purposefully provided. In that regard, no privilege or objection is intended to be, or shall be waived, by: (a) any inadvertent, unintentional, or unauthorized disclosure of such information or documents to plaintiffs; or (b) any information provided by POM to establish a basis for any privilege or protection asserted. For purposes of

responding to these Requests, POM will interpret each Request as excluding information subject to the attorney-client privilege, work-product doctrine, and any other applicable privilege, immunity, protection, or exemption. If responsive information or documents are withheld on the basis of any such privilege or protection, POM will provide a privilege log; however, the privilege log will not include privileged documents created after the date on which this action was filed or documents prepared by or for counsel for POM in connection with this litigation. The parties are currently negotiating other parameters for privilege logs and POM reserves its rights to seek additional modifications to the scope of the privilege logs.

3. POM objects to the Request, including instructions contained therein, to the extent they seek to compel the identification of (a) expert consultants; (b) the work product of expert consultants; and/or (c) materials in possession of expert consultants retained by POM but not designated as trial witnesses, on the ground that such documents and information are beyond the scope of permissible discovery.

4. POM objects to the Requests, including the instructions contained therein, to the extent that they seek confidential, proprietary, or trade secret information.

5. POM objects to the Requests, including the instructions contained therein, to the extent that they seek information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

6. POM objects to the Requests, including the instructions contained therein, to the extent that they purport to require POM to search for and produce documents or information that are not within its possession, custody, or control.

7. POM objects to the Requests, including the instructions contained therein, to the extent that they seek information or documents that cannot be located by POM after reasonably diligent inquiry, are readily available from public sources, or are available to plaintiffs from another source or by other means that are more convenient, more appropriate, less burdensome, or less expensive.

8. POM objects to the Requests, including the instructions contained therein, to the extent that they seek legal conclusions, and/or would require POM to reach a legal conclusion in order to prepare a response.

9. POM objects to the Requests, including the instructions contained therein, because they do not include a reasonable temporal limitation.

10. POM objects to the Requests' instructions to the extent that they are argumentative, prejudicial, improper, incorrect, vague, and/or ambiguous, and to the extent they fail to identify the categories of requested documents with sufficient particularity. Specifically, POM objects to the instructions to the extent that they purport to change the common meaning of the English language with regard to any word or phrase, or to the extent that they attempt to alter the scope of discovery or impose requirements beyond those set forth in the Commission's Rules of Practice, the U.S. Constitution, or any other applicable statute, rule, or decision, and to the extent that the definitions define terms differently than such terms are defined under the Commission's Rules of Practice, common law, or any other applicable statute, rule, or decision.

11. POM objects to the Requests to the extent that the information called for includes confidential settlement discussion.

12. POM objects to the Requests to the extent they seek information outside the statute of limitations.

13. For purposes of responding to the Requests, POM will construe each Request and instruction as not seeking information derived from legal memoranda, drafts of pleadings, attorneys' notes, communications among counsel for POM, or any document prepared in anticipation, or after the filing, of this litigation.



## OBJECTIONS TO INSTRUCTIONS

1. POM objects to Instruction Nos. 2 through 4 to the extent that they attempt to alter the scope of discovery or impose requirements beyond those set forth in the Commission's Rules of Practice, the U.S. Constitution, or any other applicable statute, rule, or decision.

2. POM objects to Instruction No. 4 as overbroad, burdensome, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Instruction as seeking information outside the statute of limitations.

## RESPONSES

### REQUEST FOR ADMISSION NO. 1:

Gross revenues from POM Juice sales in the United States totaled \$ [REDACTED] from September 2002 through November 2010.

### RESPONSE TO REQUEST FOR ADMISSION NO. 1:

POM objects to this Request for Admission as overbroad, irrelevant, vague and ambiguous, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM's gross revenues have no relevance to the current administrative proceeding. Moreover, the time period identified is overbroad, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. POM objects to the Request to the extent it seeks information outside the statute of limitations. POM also objects to this Request as it seeks confidential, proprietary, or trade secret information that is protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED].

### REQUEST FOR ADMISSION NO. 2:

Gross revenues from POMx Pills sales totaled \$ [REDACTED] from May 2007 through November 2010.

### RESPONSE TO REQUEST FOR ADMISSION NO. 2:

POM objects to this Request for Admission as overbroad, irrelevant, vague and ambiguous, and/or not reasonably calculated to lead to the discovery of admissible evidence.

POM's gross revenues have no relevance to the current administrative proceeding. Moreover, the time period identified is overbroad, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. POM objects to the Request to the extent it seeks information outside the statute of limitations. POM also objects to this Request as it seeks confidential, proprietary, or trade secret information that is protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, POM [REDACTED]

**REQUEST FOR ADMISSION NO. 3:**

Gross revenues from POM Liquid sales totaled \$ [REDACTED] from May 2007 through November 2010.

**RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

POM objects to this Request for Admission as overbroad, irrelevant, vague and ambiguous, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM's gross revenues have no relevance to the current administrative proceeding. Moreover, the time period identified is overbroad, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. POM objects to the Request to the extent it seeks information outside the statute of limitations. POM also objects to this Request as it seeks confidential, proprietary, or trade secret information that is protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED].

**REQUEST FOR ADMISSION NO. 4:**

Consumer marketing expenses for POM Juice in North America totaled \$ [REDACTED] from April 2002 through November 2010.

**RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

POM objects to this Request for Admission as overbroad, irrelevant, vague and ambiguous, and/or not reasonably calculated to lead to the discovery of admissible evidence.

POM's consumer marketing expenses have no relevance to the current administrative proceeding. Moreover, the time period identified is overbroad, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. POM objects to the Request to the extent it seeks information outside the statute of limitations. POM also objects to this Request as it seeks confidential, proprietary, or trade secret information, and also seeks information that is protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED].

**REQUEST FOR ADMISSION NO. 5:**

Consumer marketing expenses for POMx Pills and POM Liquid totaled \$ [REDACTED] from April 2007 through November 2010.

**RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

POM objects to this Request for Admission as overbroad, irrelevant, vague and ambiguous, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM's consumer marketing expenses have no relevance to the current administrative proceeding. Moreover, the time period identified is overbroad, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. POM objects to the Request to the extent it seeks information outside the statute of limitations. POM also objects to this Request as it seeks confidential, proprietary, or trade secret information, and also seeks information that is protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED].

**REQUEST FOR ADMISSION NO. 6:**

POM's recommended daily serving of POM Juice is 8 ounces.

**RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

POM objects to this Request for Admission as vague and ambiguous with respect to the phrase “recommended daily serving” and with regard to time. Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 7:**

POM’s recommended daily serving of POMx Pills is one pill.

**RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

POM objects to this Request for Admission as vague and ambiguous with respect to the phrase “recommended daily serving,” the term “pill,” and with regard to time. Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 8:**

POM’s recommended daily serving of POMx Liquid is one teaspoon.

**RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

POM objects to this Request for Admission as vague and ambiguous with respect to the phrase “recommended daily serving” and with regard to time. Subject to and without waiving these objections, [REDACTED]



[REDACTED]

**REQUEST FOR ADMISSION NO. 9:**

For the 52 weeks ending July 20, 2008, the weighted average base price / unit for POM Wonderful 100% Pomegranate Juice 16 ounce was \$ [REDACTED].

**RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM's pricing has no relevance to the current administrative proceeding. Moreover, the time period identified is overbroad, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. POM objects to the Request to the extent it seeks information outside the statute of limitations. POM also objects to this Request as it seeks confidential, proprietary, or trade secret information, and also seeks information that is protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

[REDACTED]

**REQUEST FOR ADMISSION NO. 10:**

The consumer retail price for POMx Pills is \$ [REDACTED] for a 30-count bottle, and \$ [REDACTED] for a 90-count bottle, exclusive of shipping.

**RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to this



request on the grounds that it is vague and ambiguous as to the meaning of “consumer retail price.” POM’s pricing has no relevance to the current administrative proceeding. Moreover, the time period identified is overbroad, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. POM objects to the Request to the extent it seeks information outside the statute of limitations. POM also objects to this Request as it seeks confidential, proprietary, or trade secret information, and also seeks information that is protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 11:**

The consumer retail price of POMx Liquid is \$ [REDACTED] for a 5 ounce bottle, exclusive of shipping.

**RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to this request on the grounds that it is vague and ambiguous as to the meaning of “consumer retail price.” POM’s pricing has no relevance to the current administrative proceeding. Moreover, the time period identified is overbroad, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. POM objects to the Request to the extent it seeks information outside the statute of limitations. POM also objects to this Request as it seeks confidential, proprietary, or trade secret information, and also seeks information that is protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 12:**

The polyphenol components in POM Juice are not the same as in POMx liquid.

**RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous, particularly with respect to the phrases “polyphenols components” and “the same.” POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 13:**

The polyphenol components in POM Juice are not the same as in POMx pills.

**RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous, particularly with respect to the phrases “polyphenols components” and “the same.” POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 14:**

**RESPONSE TO ADMISSION REQUEST FOR NO. 14:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous, particularly with respect to the term “anthocyanins.” POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 15:**

One serving on POMx liquid contains trace anthocyanins.

**RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous, particularly with respect to the terms “trace” and “anthocyanins.” POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 16:**

One serving of POMx pills contains trace anthocyanins.

**RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous, particularly with respect to the terms “trace” and “anthocyanins.” POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 17:**

The document [REDACTED] is list of POM Juice and POMx pill advertisements disseminated to the public in the United States.

**RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

POM objects to this Request for Admission on the grounds that it is overly broad, compound, and vague and ambiguous as to the meaning of the terms “disseminated” and “public.” POM further objects to this Request on the grounds that it lacks foundation and assumes facts not in evidence. POM further objects to this Request on the grounds that is burdensome and oppressive.

Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 18:**

The specific advertisements disseminated to the public are identified by the “[REDACTED]” and “[REDACTED]” columns of [REDACTED].



**RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

POM objects to this Request for Admission on the grounds that it is overly broad, compound, and vague and ambiguous as to the meaning of the terms “disseminated” and “public.” POM further objects to this Request on the grounds that it lacks foundation and assumes facts not in evidence. POM further objects to this Request on the grounds that is burdensome and oppressive.

Subject to and without waiving the foregoing objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 19:**

The publication or media outlet where the advertisement appeared is identified in the [REDACTED] column of [REDACTED].

**RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

POM objects to this Request for Admission on the grounds that it is overly broad, compound, and vague and ambiguous as to the meaning of the terms “media outlet” and “appeared.” POM further objects to this Request on the grounds that it lacks foundation and assumes facts not in evidence. POM further objects to this Request on the grounds that is burdensome and oppressive.

Subject to and without waiving the foregoing objections, [REDACTED]



**REQUEST FOR ADMISSION NO. 20:**

[REDACTED]

**RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous. POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED].

**REQUEST FOR ADMISSION NO. 21:**

[REDACTED]

**RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous. POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED].

[REDACTED]

**REQUEST FOR ADMISSION NO. 22:**

[REDACTED]

**RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous, particularly with respect to the phrase “[REDACTED].” POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

[REDACTED]

**REQUEST FOR ADMISSION NO. 23:**

[REDACTED]

**RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous, particularly with respect to the phrase “[REDACTED].” POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information

protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 24:**

**RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous, particularly with respect to the phrases "[REDACTED]" "[REDACTED]" and "[REDACTED]". POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 25:**

[REDACTED]

**RESPONSE TO REQUEST FOR ADMISSION NO. 25:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, compound, vague, and ambiguous, particularly with respect to the phrases “[REDACTED],” “[REDACTED]” and “[REDACTED]” POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

[REDACTED]

**REQUEST FOR ADMISSION NO. 26:**

[REDACTED]

**RESPONSE TO REQUEST FOR ADMISSION NO. 26:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous, particularly with respect to the phrases “[REDACTED]” and “[REDACTED]” POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as



well as information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 27:**

**RESPONSE TO REQUEST FOR ADMISSION NO. 27:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous, particularly with respect to the phrases "[REDACTED]" and "[REDACTED]" POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 28:**

**RESPONSE TO REQUEST FOR ADMISSION NO. 28:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous, particularly with respect to the phrases "[REDACTED]" and "[REDACTED]." POM



further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 29:**

[REDACTED]

**RESPONSE TO REQUEST FOR ADMISSION NO. 29:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous, particularly with respect to the phrases "[REDACTED]" and "[REDACTED]". POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

[REDACTED]

[REDACTED]

**REQUEST FOR ADMISSION NO. 30:**

[REDACTED]

**RESPONSE TO REQUEST FOR ADMISSION NO. 30:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous, particularly with respect to the phrases "[REDACTED]" and "[REDACTED]". POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED].

**REQUEST FOR ADMISSION NO. 31:**

[REDACTED]

**RESPONSE TO REQUEST FOR ADMISSION NO. 31:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous, particularly with respect to the phrases "[REDACTED]", "[REDACTED]", "[REDACTED]", and "[REDACTED]". POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as

information protected by the privacy protections of the United States or California Constitutions, or any other law, statute, or doctrine.

Subject to and without waiving these objections, [REDACTED]

**REQUEST FOR ADMISSION NO. 32:**

**RESPONSE TO REQUEST FOR ADMISSION NO. 32:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. The POM Wonderful [REDACTED] has no relevance to the current administrative proceeding. POM further objects to this Request on the grounds that it attempts to solicit an admission that the quoted statement is evidence of the truth of the matter asserted and to the extent that Complaint Counsel seeks to establish facts that are obviously in dispute.

Subject to and without waiving the foregoing objections, [REDACTED]

[REDACTED]

**REQUEST FOR ADMISSION NO. 33:**

[REDACTED]

**RESPONSE TO REQUEST FOR ADMISSION NO. 33:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. The POM Wonderful [REDACTED] has no relevance to the current administrative proceeding. POM further

objects to this Request on the grounds that it attempts to solicit an admission that the quoted statement is evidence of the truth of the matter asserted and to the extent that Complaint Counsel seeks to establish facts that are obviously in dispute.

Subject to and without waiving the foregoing objections, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

**REQUEST FOR ADMISSION NO. 34:**

[REDACTED]

**RESPONSE TO REQUEST FOR ADMISSION NO. 34:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. The POM Wonderful has no relevance to the current administrative proceeding. POM further objects to this Request on the grounds that it attempts to solicit an admission that the quoted statement is evidence of the truth of the matter asserted and to the extent that Complaint Counsel seeks to establish facts that are obviously in dispute.

Subject to and without waiving the foregoing objections, [REDACTED]



[Redacted text block consisting of approximately 18 horizontal lines of blacked-out content]

REQUEST FOR ADMISSION NO. 35:

[REDACTED]

RESPONSE TO REQUEST FOR ADMISSION NO. 35:

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. The POM Wonderful [REDACTED] has no relevance to the current administrative proceeding. POM further objects to this Request on the grounds that it attempts to solicit an admission that the quoted statement is evidence of the truth of the matter asserted and to the extent that Complaint Counsel seeks to establish facts that are obviously in dispute.

Subject to and without waiving the foregoing objections, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**REQUEST FOR ADMISSION NO. 36:**

[REDACTED]

**RESPONSE TO REQUEST FOR ADMISSION NO. 36:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. The POM Wonderful [REDACTED] has no relevance to the current administrative proceeding. POM further objects to this Request on the grounds that it attempts to solicit an admission that the quoted

statement is evidence of the truth of the matter asserted and to the extent that Complaint Counsel seeks to establish facts that are obviously in dispute.

Subject to and without waiving the foregoing objections, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

**REQUEST FOR ADMISSION NO. 37:**

[REDACTED]

**REQUEST FOR RESPONSE TO ADMISSION NO. 37:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. [REDACTED]

[REDACTED]

has no relevance to the current administrative proceeding. POM further objects to this Request on the grounds that it attempts to solicit an admission that the quoted statement is evidence of the truth of the matter asserted and to the extent that Complaint Counsel seeks to establish facts that are obviously in dispute.

Subject to and without waiving the foregoing objections, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**REQUEST FOR ADMISSION NO. 38:**

[REDACTED]

**RESPONSE TO REQUEST FOR ADMISSION NO. 38:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. [REDACTED]

[REDACTED]

has no relevance to the current administrative proceeding. POM further objects to this Request on the grounds that it attempts to solicit an admission that the quoted statement is evidence of the truth of the matter asserted and to the extent that Complaint Counsel seeks to establish facts that are obviously in dispute.

Subject to and without waiving the foregoing objections, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**REQUEST FOR ADMISSION NO. 39:**

[REDACTED]

**RESPONSE TO REQUEST FOR ADMISSION NO. 39:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. [REDACTED]

[REDACTED]

has no relevance to the current administrative proceeding. POM further objects to this Request on the grounds that it attempts to solicit an admission that the quoted statement is evidence of the truth of the matter asserted and to the extent that Complaint Counsel seeks to establish facts that are obviously in dispute.

Subject to and without waiving the foregoing objections, [REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**REQUEST FOR ADMISSION NO. 40:**

[REDACTED]

**RESPONSE TO REQUEST FOR ADMISSION NO. 40:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. [REDACTED]

[REDACTED] has no relevance to the current administrative proceeding. POM further objects to this Request on the grounds that it attempts to solicit an admission that the quoted statement is evidence of the truth of the matter asserted and to the extent that Complaint Counsel seeks to establish facts that are obviously in dispute.

Subject to and without waiving the foregoing objections, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**REQUEST FOR ADMISSION NO. 41:**

[REDACTED]

[REDACTED].

**RESPONSE TO REQUEST FOR ADMISSION NO. 41:**

POM objects to this Request for Admission as overbroad, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. POM also objects to the Request as argumentative, prejudicial, improper, incorrect, vague, and ambiguous, particularly with respect to the phrase "compensation." POM further objects to the Request as it seeks confidential, proprietary, or trade secret information as well as information protected by [REDACTED] privacy protections under the United States or California Constitutions, or any other law, statute, or doctrine. Finally, POM objects that the time period covered by this Request renders it unduly burdensome, irrelevant, and overly broad under the applicable statute of limitations.

Subject to and without waiving the foregoing objections, [REDACTED]

\_\_\_\_\_  
/Kristina M. Diaz

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*Attorneys for POM Wonderful LLC*

March 16, 2011

## VERIFICATION

I, MATT TUPPER, declare as follows:

I have read the foregoing document entitled **POM WONDERFUL LLC'S RESPONSE TO REQUEST FOR ADMISSIONS** and know its contents.

I am the President of POM Wonderful LLC, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe that the matters stated herein are true and correct to the best of my knowledge.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on March 16, 2011, at Los Angeles, California.



---

MATT TUPPER



**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION**

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

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.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that this is a true and correct copy of the PUBLIC version of Respondent **POM WONDERFUL LLC'S RESPONSE TO REQUEST FOR ADMISSIONS**, and that on this 18th 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 PUBLIC version of Respondent **POM WONDERFUL LLC'S RESPONSE TO REQUEST FOR ADMISSIONS**, and that on this 18th day of March, 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

Heather Hipsley  
Mary L. Johnson  
Tawana Davis  
Federal Trade Commission  
601 New Jersey Avenue, NW  
Washington, DC 20580

Bertram Fields  
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\_\_\_\_\_/Skye Perryman

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*Counsel for Respondents*

Dated: March 18, 2011