

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

*IN RE SUBPOENA TO ARNOLD
WORLDWIDE, LLC.*

POM WONDERFUL LLC, a Delaware
limited liability company,

Plaintiff,

v.

OCEAN SPRAY CRANBERRIES, INC.,
a Delaware corporation; and DOES 1-10
inclusive,

Defendants.

AND RELATED COUNTERCLAIM

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Misc. A. No. 11-91182-JLT

ORDER

October 25, 2011

TAURO, J.

After a Hearing held on October 25, 2011, this court has determined that Pom Wonderful, LLC has not provided a persuasive reason as to why Arnold Worldwide, LLC should testify at a deposition or produce documents on topics other than: (1) Ocean Spray's Cranberry & Pomegranate Flavored Juice Blended with Three Juices from Concentrate with Added Ingredients¹ and (2) Ocean Spray's work with Arnold targeting and investigating Pom Wonderful, LLC specifically.²

¹ Referred to by Pom Wonderful, LLC as "Cranberry & Pomegranate product."

² See Order on Plaintiff and CounterDefendant's Motion to Compel Further Response and Production of Documents, Pom Wonderful LLC v. Ocean Spray Cranberries, Inc., No. 09-00565-

This court hereby orders that:

1. Third Party Arnold Worldwide, LLC's Motion to Quash, or in the Alternative, to Modify Plaintiff's Subpoena to Testify at a Deposition in a Civil Action [#1] is ALLOWED. Arnold Worldwide, LLC must comply with the subpoena to testify at a deposition and to produce documents by Tuesday, November 8, 2011. The deposition and the production of documents are limited to the following topics:
 - i. Ocean Spray's Cranberry & Pomegranate Flavored Juice Blended with Three Juices from Concentrate with Added Ingredients.³
 - ii. Ocean Spray's work with Arnold targeting and investigating Pom Wonderful, LLC specifically.
2. POM Wonderful, LLC's Application for Order to Show Cause as to Why Third Party Arnold Worldwide LLC Should Not Be Held in Contempt for Disobedience of Deposition Subpoena and Request for Oral Argument [#7 and #8] is DENIED.
3. Arnold Worldwide LLC's Motion to Strike POM Wonderful's Motion for Contempt [#11] is DENIED AS MOOT.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge

DDP (C.D. Cal. Nov. 3, 2010), ECF no. 104 (limiting discovery from Ocean Spray to documents that reference Ocean Spray's Cranberry & Pomegranate Flavored Juice Blended with Three Juices from Concentrate with Added Ingredients).

³ This includes all documents that refer to Ocean Spray's Cranberry & Pomegranate Flavored Juice Blended with Three Juices from Concentrate with Added Ingredients, even if these documents also refer to other products.