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September 10, 2010

DC Law Firm Sues POM Wonderful for Breach of Contract

Pomegranate juice maker POM Wonderful has become notorious for their litigation against competing juice makers, including Welch Foods Inc., Tropicana Products Inc., Ocean Spray Cranberries Inc. and Coca-Cola Co. (Minute Maid). Now, POM finds itself of the flip side of a civil case as the defendants of a lawsuit filed by their former attorneys at the DC based law firm Hogan Lovells.

According to Hogan Lovells, their Washington DC attorneys represented POM Wonderful for nine months during an investigation by the Federal Trade commission. According to the law firm, POM owed more than half a million dollars to the firm for legal services during the investigation. Because the legal bills remain unpaid, Hogan Lovells is suing POM for breach of contract in an effort to recoup their fees. POM, however, has retaliated with claims of "unnecessary and substandard legal services" and "exorbitant" fees.

In addition to complaints about their legal representation, POM aggressively sought to have court documents sealed, particularly those related to the regulatory investigation by the FTC. Initially, a DC Superior Court judge ordered that all documents discussing "pending regulatory investigations" be sealed. This prevented media outlets from revealing the name of the federal regulatory agency investigating POM Wonderful. The National Law Journal appealed the restraining order, citing First Amendment concerns. DC Superior Court Judge Judith Bartnoff first responded, "If I am throwing 80 years of First Amendment jurisprudence on its head, so be it." Many legal analysts reported that The National Law Journal's appeal of the sealed documents could begin one of the nation's biggest First Amendment cases. However, after an amicus brief supporting The National Law Journal was filed by media outlets including The Washington Post, The American Society of News Editors, The Associated Press, The Reporters Committee for Freedom of the Press, NPR, Gannett Newspapers, Dow Jones & Company, the Society of Professional Journalists, and The New York Times, Judge Bartnoff rescinded the order, allowing reports to identify the FTC as the investigating agency.

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Attorneys for POM Wonderful also asked Bartnoff to lift the restraining order. A POM spokesman stated, "Although we believe very strongly in our right to keep confidential documents shielded by attorney-client privilege, we never intended our protected communications with a governmental regulatory agency and a private law firm to become a First Amendment issue."

This article is presented by The Law Offices of David Benowitz, a criminal and DUI defense firm serving Washington DC, Maryland, and Virginia. For more information, please visit our [DC Federal Criminal Lawyer](#) or [Maryland Criminal Lawyer](#) websites.