

Decision

IN THE MATTER OF
LEWIS-SHEPARD COMPANY ET AL.

ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SEC. 2(a)
OF THE CLAYTON ACT

Docket 6340. Complaint, May 4, 1955—Decision, Sept. 6, 1956

Order dismissing, for lack of proof of the effect on competition required by the statute, complaint charging a manufacturer of industrial trucks, with principal place of business in Watertown, Mass., with discriminating in price by means of quantity discounts and rebates, both non-cumulative and cumulative, in violation of Sec. 2(a) of the Clayton Act.

Mr. William H. Smith for the Commission.

Brown, Lund & Fitzgerald, of Washington, D.C., for respondents.

INITIAL DECISION DISMISSING COMPLAINT BY FRANK HIER,
HEARING EXAMINER

Counsel in support of the complaint in this proceeding, having moved, before any evidence taken, to dismiss the complaint without prejudice, on the ground that he is unable to prove the effect on competition prescribed by the statute under which the complaint is brought, and nothing to the contrary appearing, and counsel for respondent obviously having no objection, said motion is granted, and, accordingly,

It is ordered, That the complaint herein be, and the same hereby is, dismissed without prejudice.

DECISION OF THE COMMISSION

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 6th day of September, 1956, become the decision of the Commission.

Commissioners Gwynne and Mason not participating.

IN THE MATTER OF
CLARK EQUIPMENT COMPANY

ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SEC. 2(a)
OF THE CLAYTON ACT

Docket 6347. Complaint, May 6, 1955—Decision, Sept. 7, 1956

Order dismissing, for lack of proof of the effect on competition required by statute, complaint charging a major manufacturer of industrial trucks, with plants and factories at Buchanan, Benton Harbor, Jackson, and Battle Creek, Mich., with discriminating in price by means of quantity discounts and rebates, both non-cumulative and cumulative, in violation of Sec. 2(a) of the Clayton Act.

Mr. William H. Smith for the Commission.

Mr. Hammond E. Chaffetz and *Mr. Frederick M. Rowe* of the firm of *Kirkland, Fleming, Green, Martin & Ellis*, of Chicago, Ill., and Washington, D.C., for respondent.

INITIAL DECISION DISMISSING COMPLAINT BY FRANK HIER,
HEARING EXAMINER

Counsel in support of the complaint in this proceeding, having moved, before any evidence taken, to dismiss the complaint without prejudice, on the ground that he is unable to prove the effect on competition prescribed by the statute under which the complaint is brought, and nothing to the contrary appearing, and counsel for respondent obviously having no objection, said motion is granted, and, accordingly,

It is ordered, That the complaint herein be, and the same hereby is, dismissed without prejudice.

DECISION OF THE COMMISSION

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 7th day of September, 1956, become the decision of the Commission.

Commissioners Gwynne and Mason not participating.