Docket 6485. Order, March 26, 1958

Interlocutory order upholding hearing examiner's ruling denying respondent's motion to withdraw from instant proceeding any issue as to its dealings, etc. with Firestone Tire & Rubber Co., since the question thus presented was determined adversely to respondent on an earlier appeal.

ORDER DENYING INTERLOCUTORY APPEAL

Respondent, the Texas Co., having filed with the Commission an interlocutory appeal from the hearing examiner's ruling of February 24, 1958, denying its motion to withdraw from this proceeding any issue as to dealings, practices, contracts, agreements or arrangements between the Texas Co. and the Firestone Tire & Rubber Co.,

and to strike all evidence heretofore received in this case with respect to any such issue; and

It appearing that it is the respondent's contention that because of the reception of evidence by the same hearing examiner, concerning contracts and dealings between the Texas Co. and the Firestone Tire & Rubber Co. in both this proceeding and docket No. 6487 in which the Texas Co. is not a party, this respondent is deprived of a fair hearing; and

It further appearing that the question thus presented was considered and in effect determined adversely to the respondent in the Commission's disposition on November 28, 1956, of an interlocutory appeal theretofore filed by counsel in support of the complaint from rulings of the hearing examiner excluding from the record evidence of the type here involved; and

The Commission being of the opinion that the aforesaid determination of the question renders unnecessary its further consideration at this time:

It is ordered, That the respondent's appeal, together with its motion for deferment of decision thereof and for permission to file additional briefs and its request for oral argument, be, and they hereby are, denied.

PROCTER & GAMBLE CO.

Docket 6901. Order, March 26, 1958