

Decision

IN THE MATTER OF

ALEX J. HADID ET AL. DOING BUSINESS AS
HADID BROKERAGE COMPANYORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SEC. 2(c)
OF THE CLAYTON ACT

Docket 7518. Complaint, June 11, 1959—Decision, Nov. 24, 1959

Order dismissing on joint motion of the parties complaint charging a Houston, Tex., brokerage partnership, no longer in business, with illegally accepting brokerage on purchases of citrus and other fresh fruit and vegetables for its own account.

Cecil G. Miles, Esq., for the Commission.

John E. Pledger, Jr., Esq., and *Billy B. Goldberg, Esq.*, of Houston, Tex., for respondents.

INITIAL DECISION BY LOREN H. LAUGHLIN, HEARING EXAMINER

This proceeding involves alleged violations of sub-section (c) of §2 of the Clayton Act, as amended (U.S.C., Title 15, §13). The complaint was filed June 11, 1959, and respondents were thereafter duly served therewith. On July 23, 1959, respondent Hyman Rudy filed his answer denying that he had ever been a partner with Alex J. Hadid in Hadid Brokerage Company but, in substance, admitted he had been employed by said company. On September 28, 1959, he filed his motion to dismiss the proceedings as to him, supporting the said motion by an affidavit denying the alleged partnership and stating that he never had anything to do with the policies of the Hadid Brokerage Company; that during the time he worked for it it was registered with the U.S. Department of Agriculture; that he was never registered as a partner in such business, and that his employment has been completely terminated therewith. On October 2, 1959, there was filed a letter dated August 11, 1959, from Attorney Pledger, counsel for respondent Hadid, stating the substance of certain facts pertaining to Hadid's said business and requesting a dismissal of the complaint as to him. There was also filed an affidavit of said Alex J. Hadid, sworn to September 3, 1959, positively stating that the Hadid Brokerage Company ceased to do business in January, 1959, that affiant has not conducted any business since such time, has left Houston, Texas, where such brokerage business was maintained by him, and is now living in California. Also on October 2, counsel supporting the complaint filed his answer to respondent Rudy's motion to dismiss

and also referred to the said affidavit of respondent Hadid and the letter of his counsel above referred to. This answer states he believes the facts contained in the said affidavits of respondents Rudy and Hadid to be true, and, being of the opinion that no useful purpose can be served by further proceedings in this matter, joins with respondents' motion that the complaint herein be dismissed as to all parties.

The hearing examiner, having carefully considered all matters in the record, including those above specifically referred to, and being convinced that there is no public interest in the further maintenance of this proceeding, that the further prosecution thereof would cause great and unnecessary expense to all parties to the litigation, and that it would serve no useful purpose to proceed further in this matter, therefore, sustains the said motions of respondents to dismiss, joined in by counsel supporting the complaint. Therefore,

It is ordered, That the complaint be, and the same hereby is, dismissed as to both of the respondents herein.

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 24th day of November, 1959, become the decision of the Commission.