Order denying respondent's petition to rescind Commission's order permitting filing of consolidated briefs.

Order Denying Petition To Rescind Commission Order Permitting Filing of Consolidated Briefs

On February 20, 1964, complaint counsel in the above-captioned and 13 related proceedings filed a motion requesting permission to file

consolidated briefs therein, on the ground that the complaints in all of these proceedings involved payments, allegedly in violation of the Clayton Act, as amended, to the identical parties. This motion was granted by the Commission by order of February 26, 1964. On February 28, the present respondent filed a statement in opposition to complaint counsel's motion; on March 4, respondents in Dockets 8507 and 8508 filed a joint statement in opposition; and on March 5, respondent in Docket 8492 filed a statement in opposition. On March 6, the present respondent filed a petition to rescind the Commission's order of February 26, contending that the Commission acted improperly in granting complaint counsel's motion *ex parte*.

The Commission has considered the arguments of respondents in opposition to complaint counsel's motion without according any weight to the Commission's prior action of February 26. The basic contention made in these statements is that the factual and legal issues differ considerably from case to case in this series of proceedings, and that therefore the filing of consolidated briefs by complaint counsel is likely to confuse the issues to the prejudice of individual respondents. This contention is without merit. Respondents are not obliged to file consolidated briefs. Each respondent has ample opportunity to detail, in its brief, the factors which may differentiate its case from that of the other respondents in this series of cases. Respondents thus are not prejudiced by complaint counsel's filing consolidated briefs.

For these reasons, the Commission, believing that its order of February 26 was correct, adheres to that order. Accordingly,

It is ordered, That respondent's petition to rescind the Commission's order of February 26, 1964, be, and it hereby is, denied.

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