WILMINGTON CHEMICAL CORPORATION ET AL.

Docket 8648. Order, Mar. 18, 1965

Order denying leave to file an interlocutory appeal challenging hearing examiner's ruling.

Order Denying Leave To File Interlocutory Appeal

On March 17, 1965, the Commission received a letter from counsel for respondents in the above-captioned proceeding, which letter will be treated as an application for leave to file an interlocutory appeal from the hearing examiner's order of March 16, 1965. By this order the examiner denied respondents' motion for a sixty-day postponement of the hearings in this matter now scheduled to commence on March 18, 1965. The examiner's written ruling upon respondents' motion reflects a full and fair evaluation of all the relevant considerations. The Commission's Rules of Practice and Procedure accord the hearing examiner a considerable discretion in regulating the course of hearing, and respondents have entirely failed to suggest any basis for concluding that the examiner's ruling of March 16, 1965, constitutes an abuse of discretion. Accordingly, it appearing that there are no extraordinary circumstances justifying a review of the examiner's decision by means of interlocutory appeal under Section 3.20 of the Commission's Rules of Practice and Procedure,

It is ordered, That respondents' application for leave to file an interlocutory appeal be, and it hereby is, denied.

LAFAYETTE RADIO ELECTRONICS CORPORATION

Docket C-788. Order, Mar. 24, 1965

Order denying petition to suspend effectiveness of order until similar orders involving three competitors are issued.

Order Denying Petition To Reopen Proceedings

Respondent, by petition filed March 1, 1965, has requested that this proceeding be reopened for the purpose of setting aside or modifying the final order, issued on July 14, 1964 [66 F.T.C. 142], based on an agreement containing a consent order. In substance, respondent requests that the effectiveness of the order be suspended until substantially similar orders are issued and become final against three named competitors.

present motion, respondent states that he "did not have an opportunity * * * to answer these charges." No explanation is offered as to why respondent did not have such an opportunity. In any event, the point is a peripheral one. The evidence that respondent's employees substituted false labels in this fashion was merely corroborative. (See initial decision, finding no. 14, 66 F.T.C. 1290, 1296.) The Commission's decision and order would be the same even if the evidence were completely discounted.

It is ordered, That, for the reasons set forth above, respondent's