ALLEGHANY PHARMACAL CORP. ET AL.

Docket 7176. Order, Jan. 6, 1967

Order denying complaint counsel's request for permission to file interlocutory appeal from rulings complained of.

ORDER DENYING REQUEST FOR PERMISSION TO FILE INTERLOCUTORY APPEAL

This matter is before the Commission upon complaint counsel's request for permission to file an interlocutory appeal from the

ruling of the hearing examiner requiring complaint counsel to put on rebuttal witnesses on December 9, 1966, rather than January 24, 1967, and refusing to receive the offer of testimony of two additional witnesses whom complaint counsel wished to put on the stand. Respondents filed their answer and supplementary answer in opposition on December 22 and December 27, 1966, respectively. The Commission has reviewed the order of the examiner and has determined that the request for permission to file an interlocutory appeal should be denied. The hearing examiner's rulings on the scope of rebuttal testimony should not be unduly restrictive.[1] Nevertheless, upon a review of his ruling, the Commission cannot say at this time that the hearing examiner has abused his discretion in this regard. Accordingly, the Commission is unable to find that there are here extraordinary circumstances requiring it to consider at this time the objections raised to the examiner's order in complaint counsel's request for permission to file an interlocutory appeal. Accordingly:

It is ordered, That complaint counsel's request for permission to file an interlocutory appeal from the rulings complained of, be, and it hereby is, denied.

INTER-STATE BUILDERS, INC., ET AL.

Docket 8824. Order, Jan. 13, 1967