The Commission, for the reasons stated in the accompanying opinion, having determined that the petition should be denied:

It is ordered, That respondent's petition, filed February 17, 1967, be, and it hereby is, denied.

Commissioner Elman not concurring.

BEST & CO., INC.

Docket 8669. Order Apr. 21, 1967

Order denying remand but directing parties to explore possibility of stipulating matters in respondent's motion for remand.

ORDER DENYING MOTION FOR REMAND AND EXTENDING TIME FOR FILING APPEAL BRIEF

This matter is before the Commission on respondent's motion for an extension of time within which to perfect its appeal and its motion to remand. The Commission has determined that the motion for remand should be denied. It is of the view that counsel may be able to stipulate with respect to all or most of the facts which respondent wishes to adduce on the transfer of certain assets to the McCrory Corporation. Accordingly, the Commission will direct counsel for both sides to explore the possibility of a stipulation with respect to these matters. In the event counsel are unable to stipulate with respect to any or all of the matters alleged in respondent's motion for remand, the respondent may file affidavits to cover those points not agreed to in the stipulation. The Commission will consider a stipulation, if any, entered by counsel and/or respondent's affidavits on these points in connection with respondent's appeal. Accordingly,

It is ordered, That the motion for remand be, and it hereby is, denied.

It is further ordered, That counsel for both sides be, and they hereby are, directed to explore the possibility of stipulating with respect to any or all of the matters alleged in respondent's motion for remand.

It is further ordered, In the event that counsel are unable to agree on a stipulation covering any or all of the points alleged in respondent's motion for remand that respondent be, and it hereby is, authorized to file affidavits with respect to those points not so covered, and that complaint counsel be authorized to file reply affidavits.

It is further ordered, That respondent's time within which to file its appeal brief be, and it hereby is, extended until twenty (20) days after the service upon the parties of this order.