

It is ordered, That respondent's petition requesting modification of the final order be, and it hereby is, denied.
Commissioner Elman not concurring.

UNIVERSE CHEMICALS, INC.

Docket 8752. Order, June 5, 1969

Order denying respondents' motion that hearing examiner be disqualified from hearing case.

ORDER DENYING MOTION TO DISQUALIFY HEARING EXAMINER

Respondents, pursuant to Section 3.42(g) of the Commission's Rules of Practice, on May 23, 1969, moved the Commission to disqualify and remove Donald R. Moore as Hearing Examiner in this proceeding, stating in an attached affidavit, in substance as their reason, that the same hearing examiner presided at the prior hearing in the matter and hence that he would be without sufficient objectivity to conduct a trial *de novo*. Although the Chief Hearing Examiner has as yet made no assignment for the hearing examiner to this case, Hearing Examiner Moore, on May 28, 1969, filed his reply thereto, stating that he finds no basis to disqualify himself.

The Commission has considered respondents' motion and determined that the grounds stated are insufficient to justify the removal and disqualification of Hearing Examiner Moore from participation in this proceeding. The case may be assigned to Hearing Examiner Moore or any other examiner in accordance with the law and established procedures as though a new complaint had been issued. Accordingly,

It is ordered, That respondents' motion of May 23, 1969, requesting the disqualification and removal of Hearing Examiner Moore, be, and it hereby is, denied.

RICHARD A. ROMAIN TRADING AS EDUCATIONAL
SERVICE COMPANY

Docket 8781. Order, June 9, 1969

Order denying respondent's request that case be withdrawn from adjudication, but ordered to resubmit case.

ORDER DENYING RESPONDENT'S REQUEST THAT THE COMPLAINT
BE WITHDRAWN FROM ADJUDICATION

This matter is before the Commission upon the hearing examiner's certification, dated May 27, 1969, of a request by re-

spondent that the case be withdrawn from adjudication. In their request of May 13, 1969, respondent's counsel recite the fact that they have just been retained as counsel for respondent and that they are of the opinion that the matter may be resolved without the necessity of formal litigation and they therefore request that they be given an opportunity of at least two weeks in which to explore the possibilities of reaching a consent settlement.

The Commission is of the opinion that exploration of consent settlement by the parties does not in this instance require withdrawal from adjudication. Accordingly,

It is ordered, That respondent's request that complaint be withdrawn from adjudication be, and it hereby is, denied without prejudice to respondent's right, prior to June 28, 1969, to re-submit its request accompanied by an order agreed upon by the parties, disposing of this matter.

KOPPERS COMPANY, INC.

Docket 8755. Order, June 11, 1969

Order granting respondent's request for a stay of the date for evidentiary hearings.

ORDER GRANTING RESPONDENT'S REQUEST FOR A STAY OF HEARINGS

Upon consideration of respondent's application of May 28, 1969 (and the addendum thereto of June 6, 1969) for leave to appeal from the hearing examiner's orders of May 21, 1969, and May 23, 1969, which have been treated as an appeal,

It is ordered, That respondent's request for a stay of the commencement of the evidentiary hearings in this matter, is granted.

It is further ordered, That the matter be returned to the examiner with instructions to commence the hearings no later than 10 days after he has determined, on the basis of the disposition of *Federal Trade Commission v. United States Pipe and Foundry Company*, (D.D.C. No. 1500-69), that respondent Koppers' discovery needs have been met.