

orders in question mean. We do not wish to be understood, however, as suggesting that the examiner would be either correct or incorrect here if he acts so as to deny to respondents their claimed defense. We do not pass on that question.

We believe respondents are entitled to a clear statement on the issue raised and if the hearing examiner has, in fact, rejected a defense asserted by them, we believe they are also entitled to the reasons or the basis for such action.

In the circumstances, the matter is not ripe for review. We believe that the issue should be further considered and acted upon by the examiner in the light of our views expressed herein. Accordingly,

It is ordered, That the requests of the respondents filed September 23, 1970, for permission to file interlocutory appeal be, and they hereby are, denied.

It is further ordered, That this matter be, and it hereby is, returned to the hearing examiner for further appropriate consideration and action in the light of the opinion herein.

Commissioner Elman no participating.

UNIVERSE CHEMICALS, INC., ET AL.

Docket 8752. Order, Oct. 22, 1970

Order granting an individual respondent time to perfect an appeal from the initial decision; granting said respondent time to make satisfactory proof of financial inability to retain counsel; and referring the cause to the examiner to make findings of fact respecting said respondent's financial condition.

ORDER

Whereas, the hearing examiner entered an initial decision herein on February 10, 1970, concluding that the respondents had violated Section 5 of the Federal Trade Commission Act, and respondents through their counsel filed due notice of intent to appeal, which was thereafter withdrawn by letter from said counsel dated April 14, 1970;

Whereas, respondent Jordan L. Lichtenstein notified the Commission by letter dated April 24, 1970, that he did not have the funds to pay counsel for the prosecution of an appeal, and requested that the Commission appoint one of its own attorneys to represent him in the conduct of such appeal and judicial review proceedings;

Whereas, the Commission issued an Order dated May 13, 1970, adopting the initial decision of the hearing examiner as the final decision of the Commission except as to respondent Jordan L. Lichtenstein as an individual, and extending the time within which respondent Lichtenstein could perfect an appeal from the initial decision to

fourteen (14) days after said respondent was served with the order dated May 13, 1970;

Whereas, respondent Jordan L. Lichtenstein, within fourteen (14) days after being served with the order of the Commission dated May 13, 1970, notified the Commission by letter dated June 9, 1970, that he still desired to perfect an appeal to the Commission but lacked sufficient resources to retain counsel, and set forth allegations of fact in support of said claim of inability to retain counsel;

Now therefore it is ordered, That the letter of June 9, 1970, from respondent Jordan L. Lichtenstein being treated as a request for further time within which to perfect an appeal to the Commission, such request be, and hereby is, granted as to respondent Jordan L. Lichtenstein as an individual, and that said respondent shall have an additional period of time within which to make satisfactory proof of financial inability to retain counsel, as set forth hereinafter.

It is further ordered, That the cause is hereby referred to the hearing examiner for the purpose of making findings of fact on the issue of whether the respondent Jordan L. Lichtenstein presently possesses sufficient financial resources to retain counsel for prosecuting an appeal to the Commission.

It is further ordered, That the respondent Jordan L. Lichtenstein shall execute under oath the form of affidavit served herewith, and shall return the aforesaid executed affidavit to the Federal Trade Commission at the following address, either in person or by registered mail with return receipt requested, within seven (7) days after being served with this order:

Robert L. Camenisch, Federal Trade Commission
Room 486, U.S. Courthouse & Federal Office Building,
219 South Dearborn Street,
Chicago, Illinois 60604

It is further ordered, That the respondent Jordan L. Lichtenstein shall, on the fourteenth (14) days after being served with this order, be present for a hearing before the hearing examiner at the time and place set forth below, unless advised by the hearing examiner that such appearance is unnecessary, and shall within five (5) days thereafter submit to the hearing examiner such further information or documents relating to the said respondent's financial condition as the examiner may direct.

Time and place for appearance: 10:00 a.m.,
at Room 486 of the United States Courthouse
and Federal Office Building, 219 South
Dearborn Street, Chicago, Illinois. 60604

It is further ordered, That the hearing examiner shall, within five (5) days after receiving all relevant and necessary information from

respondent, or if respondent should fail or refuse to appear or to produce such information, within five (5) days of such failure or refusal, transmit to the Commission findings of fact regarding respondent's financial condition.

AFFIDAVIT OF FINANCIAL STATUS

Notice to Respondent: This form must be filled out under oath, and witnessed by a notary public. Supplying false answers or failing to provide all material facts called for by the questions may subject you to fine or imprisonment, or both, under Federal law.

The above-named respondent, _____ being first duly sworn, deposes and makes under oath the following statement regarding his marital status, residence, employment, and financial status:

I. MARITAL STATUS:

- a. Single__ Married__ Separated__ Divorced__
 b. Dependents: Wife__ Children, No. __ Others, No. __ and Relationship _____

II. RESIDENCE:

Respondent's address: Street _____
 City _____ State _____ Phone _____

2. Other property:

- a. Automobile: Make _____ Model _____
 In whose name registered _____
 Present value of car _____ \$ _____
 Amount owed _____ \$ _____
 Owed to _____ \$ _____
 b. Cash on hand _____ \$ _____
 Cash in banks and savings & loan associations _____ \$ _____
 Name and addresses of banks and associations: _____

3. Obligations:

- a. Monthly rental on house or apartment _____ \$ _____
 b. Mortgage payments on house (monthly) _____ \$ _____
 c. Other debts:

To whom owed	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total monthly payments on debts _____	\$ _____

4. Other information pertinent to Respondent's financial status:

- a. List any stocks, bonds, savings bonds, interests in trusts either owned or jointly owned:

