

spondent in adequate discovery and the interest of third parties in protection of allegedly confidential information. If the examiner believes that the circumstances of this case are distinguishable from the circumstances in *Mississippi River*, but that Missouri Portland and Botsford should, nevertheless, receive some form of limited protection, then he should issue an appropriate protective order, one that may be less "restrictive" upon respondent's access than the *Mississippi River* form of protection. But, as noted above, any departure from Mississippi River treatment should be clearly explained. Accordingly,

It is ordered, That the joint appeal of Missouri Portland Cement Company and Botsford Ready Mix Company be, and it hereby is, granted.

It is further ordered, That the hearing examiner's order denying the motions of Missouri Portland Cement Company and Botsford Ready Mix Company be, and it hereby is, vacated.

It is further ordered, That this matter be, and it hereby is, remanded to the hearing examiner for further proceedings and action on the requests herein considered in accordance with the views outlined in this order and opinion.

UNIVERSE CHEMICALS, INC., ET AL.

Docket 8752. Order, Dec. 8, 1970

Order granting leave to individual respondent to proceed *in forma pauperis*; granting individual respondent's request for counsel; referring the matter to the Committee on the Federal Trade Commission of the Antitrust Section of the American Bar Association for the designation of counsel to assist individual respondent in prosecuting his appeal; and fixing time within which to perfect the appeal.

ORDER

Whereas, the Commission, by order issued October 22, 1970 [p. 1651 herein], referred this matter to the hearing examiner for the purpose of making findings of fact on the issue of whether the individual respondent Jordan L. Lichtenstein possessed sufficient financial resources to retain counsel for the purpose of prosecuting an appeal to the Commission from the Initial Decision entered herein on February 19, 1970;

Whereas, the hearing examiner, in findings filed on November 16, 1970, has found that the individual respondent Jordan L. Lichtenstein lacks sufficient financial resources to retain counsel for the purpose of prosecuting an appeal to the Commission, and the Commission has found no reason to doubt the correctness of that finding;