

Order

81 F.T.C.

FROZEN FOOD FORUM, INC., ET AL.

Docket 8890. Order, Nov. 10, 1972.

Upon its own motion, the Commission quashes four subpoenas after determining that validity of the Aug. 15, 1968 order is not relevant to admissibility of said evidence or any discovery by complaint counsel that might flow from such evidence.

ORDER QUASHING SUBPOENAS

This matter is before the Commission upon its own motion. On September 29, 1972, administrative law judge William K. Jackson granted respondents' application for the issuance of subpoenas *duces tecum* to certain past and present employees of the Commission, and on October 12, 1972, subpoenas were issued pursuant to that order. Judge Jackson stated in his order that the purpose of the subpoenas is to obtain documents which relate to the participation or nonparticipation of members of the Commission and the Secretary in the issuance of the order of the Commission, dated August 15, 1968, denying motions to quash subpoenas issued July 18, 1968. His order is apparently based upon his ruling at the pretrial hearing that the "validity of said Order [of August 15, 1968] raised threshold factual questions that had to be resolved by him before he could rule on the admissibility of the evidence so obtained or any discovery by complaint counsel that might flow from such evidence."

The Commission has determined that the validity of the order of August 15, 1968, is not relevant to the admissibility of said evidence or any discovery by complaint counsel that might flow from such evidence, and, therefore, the subpoenas issued pursuant to the administrative law judge's order of September 29, 1972 should be quashed. Accordingly,

It is ordered, That the subpoenas issued by Administrative Law Judge William K. Jackson to Charles A. Tobin; Joseph W. Shea; Doris Neuman (correctly spelled Naumann); and John Doe, whose initials are C.T.A., an employee in the Office of the Secretary of the Federal Trade Commission, be, and they here are, quashed.

Commissioner Dennison not participating in this action.