

Order

IN THE MATTER OF
THE BENDIX CORPORATION, ET AL.

Docket 8739. Interlocutory Order, March 29, 1973.

Order reversing action of the administrative law judge authorizing a subpoena to the Commission's Secretary, and quashing said subpoena.

ORDER REVERSING ACTION OF ADMINISTRATIVE LAW
JUDGE AUTHORIZING SUBPOENA TO COMMISSION SECRETARY

This matter is before the Commission pursuant to Section 3.23(a) of the Commission's Rules of Practice to review the order of the administrative law judge dated February 15, 1973, which granted respondents' application for a subpoena directing Charles A. Tobin, Commission's Secretary, to produce a "staff memorandum * * * asking for permission to conduct or recommending the 'investigation into the Acts and Practices of Companies Manufacturing Automotive Parts, Accessories and Equipment.'"

In March 9, 1973, upon its own motion, the Commission placed this matter on its docket for review.

As a result of such review, the Commission has determined the document in question is an intra-agency memorandum reflecting the mental processes of the agency in considering the initiation of the investigation and, hence, not appropriate for discovery; therefore

It is ordered, That the administrative law judge's order of February 15, 1973, be, and hereby is, reversed and the subpoena issued pursuant thereto is hereby quashed.

IN THE MATTER OF
HORIZON INDUSTRIES, INC., ET AL.
CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED
VIOLATION OF THE FEDERAL TRADE COMMISSION AND THE
FLAMMABLE FABRICS ACTS