

Appearances

For the Commission: *Joseph S. Brownman* and *Stuart Cameron*.

For the respondents: *Glen A. Mitchell of Stein, Mitchell & Mezines*, Wash., D.C.

ORDER GRANTING APPLICATION TO FILE CONTINGENT CLAIM

On January 14, 1974 complaint counsel filed with the Commission an application requesting that the Commission: (1) amend the complaint in this matter to substitute one Sam Olivo, executor of the estate of William Penn Patrick for decedent respondent Patrick, and (2) file a contingent claim for restitution against the estate of William Penn Patrick with the Superior Court for the State of California for the County of Marin. In order to resolve this latter request prior to the passing of the filing deadline of Jan. 24, 1974, the Commission ordered that respondent answer said latter request by 9:00 a.m. Jan. 22, 1974. Respondents have done so and, having considered the arguments of both parties the Commission has concluded that the application should be granted.

In so doing it has determined, based on the initial decision, that there is reason to believe that it will have a claim against Mr. Patrick's estate following final disposition of this matter on the merits. This should not be taken to mean that the Commission would not, in the appropriate circumstances, file such a claim without a supporting initial decision.

The Commission does not, in filing the requested claim, render any opinion on the question of the substitution of Mr. Olivo for Mr. Patrick in the complaint. It reserves this question for consideration of respondents' answer on this subject which is due on Feb. 5, 1974 as per its order of Jan. 16, 1974. In view of the novelty of this question of substitution, the Commission will entertain a reply from complaint counsel if filed within five (5) days of the filing of respondents' answer.

Accordingly, the Commission having found reason to believe that it may have a claim in restitution against the estate of decedent respondent William Penn Patrick,

It is ordered, That complaint counsel's application that the aforesaid contingent claim be filed with the Superior Court for the State of California, for the County of Marin be, and it hereby is, granted.

IN THE MATTER OF

THE SOUTHLAND CORPORATION, ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION
OF THE FEDERAL TRADE COMMISSION ACT