

Denial of application by all respondents except Texaco for review of administrative law judge's ruling denying motions to exclude issues beyond the scope of the complaint.

Appearances

For the Commission: *Peter A. White, James H. Thessin, James C. Egan, Jr. and Ira S. Nordlicht.*

For the respondents: *William Simon, J. Wallace Adair, McKean,*

Order

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Whitehead & Wilson, Donovan, Leisure, Newton & Irvine, and Steptoe & Johnson, all of Wash., D.C. *William Weitzel, Wickes, Riddell, Bloomer, Jaboci & McGuire, Vincent A. Moccio, Charles F. Rice, Benjamin T. Richards and Kaye, Scholer, Fierman, Hays & Handler*, all of New York City. *W. Bernard Fudge, Jesse P. Luton, John H. Chiles and George S. Wolbert, Jr.*, all of Houston, Tex. *M. J. Keating and Kirkland & Ellis*, Chicago, Ill. *Pillsbury, Madison & Sutro*, San Francisco, Calif. and *Donald A. Bright*, Los Angeles, Calif.

ORDER DENYING APPLICATION FOR REVIEW

By leave of the administrative law judge under Section 3.23(b) of our rules of practice, all respondents except Texaco have filed an Application for Review of Ruling (of the administrative law judge) Denying Motions of Respondents to Exclude Issues Beyond the Scope of the complaint. Specifically, respondents argue that certain allegations concerning their foreign operations and their relationships with financial institutions, which complaint counsel have stated their intention to prove, are not related to any of the charges contained in the complaint in this matter. By order of Oct. 29, 1974, the law judge denied their motions to exclude such issues for the purposes of discovery and presentation of evidence. Complaint counsel do not oppose review of this order.

The law judge's order is not appropriate for interlocutory review. The question of whether evidence on particular factual propositions is relevant to one or more allegations in a complaint is well within the area of trial management and, in the absence of a clear abuse thereof, is committed to the sound discretion of the law judge. Accordingly,

It is ordered, That the aforesaid application for review be, and it hereby is, denied.

IN THE MATTER OF

AMERICAN CYANAMID COMPANY

MODIFIED ORDER, IN REGARD TO ALLEGED VIOLATION OF SEC.

7 OF THE CLAYTON ACT