
IN THE MATTER OF
HERBERT R. GIBSON, SR., ET AL.

Docket 9016. Order, July 1, 1975

Denial of motion by nine of the respondents herein for dismissal of the complaint.

Appearances

For the Commission: *Andre Trawick, Jr., Paul W. Turley and Richard H. Gateley.*

For the respondents: *Bardwell D. Odum, Robert E. Rader and Passman, Jones, Andrews, Coplin, Holley & Co., Dallas, Tex. Presley E. Werlein, Jr., Houston, Tex.*

ORDER DENYING MOTION TO DISMISS COMPLAINT FOR LACK OF
PUBLIC INTEREST

Respondents Herbert R. Gibson, Sr., Herbert R. Gibson, Jr., Gerald Gibson, Belva Gibson, Gibsons, Inc., Gibson's Discount Centers, Inc., Ideal Travel Agency, Inc., Gibson Warehouse, Inc., and Gibson Products Company, Inc., have moved that the complaint in this matter be dismissed as to them for lack of public interest. The administrative law judge having determined that this matter is outside the scope of his authority, certified it to the Commission pursuant to Section 3.22(a) of the rules of practice.

Respondents contend that this administrative proceeding is unnecessary inasmuch as the issues raised herein will be adjudicated in a private treble damages action, now pending in a Texas District Court, entitled *Howard-Gibco, et al. v. H. R. Gibson, Sr., et al.*, No. 75-0085. The Commission finds this insufficient reason to warrant dismissal since the public interest in halting respondents' allegedly illegal acts and practices will not necessarily coincide with the interests of private parties who are seeking monetary damages. See Order Denying Respondents' Motions for Discontinuance or Suspension of Proceedings, *In Re: Boise Cascade Corp., et al.*, Docket No. 8958 (Aug. 26, 1974) [84 F.T.C.308]. Accordingly,

It is ordered, That the aforesaid motion to dismiss the complaint in this matter be, and it hereby is, denied.

Commissioner Thompson abstaining.
