

(60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

IN THE MATTER OF
THE GREAT ATLANTIC & PACIFIC TEA COMPANY,
INC., ET AL.

Docket 8866. Order, Dec. 19, 1975

Granting of motion by A&P Company to file reply to complaint counsel's opposition to motion for leave to lodge documents in the record.

Granting of motion by A&P Company for leave to lodge certain documents into the record.

Appearances

For the Commission: *John J. Mathias, Edwin R. Soeffing and Andrew G. Stone.*

For the respondents: *Ira J. Dembrow, Cahill, Gordon, Sonnett, Reindel & Ohl, New York City for The Great Atlantic & Pacific Tea Company, Inc. Sidley & Austin, Chicago, Ill. and Walter W. Kocher, New York City for Borden, Inc.*

ORDER GRANTING REQUEST TO FILE REPLY AND GRANTING
MOTION FOR LEAVE TO LODGE DOCUMENTS INTO RECORD

Respondent The Great Atlantic & Pacific Tea Company has filed a motion seeking leave to lodge in the record of this case two documents which were not entered during trial and which it claims are of relevance to the proceeding.

As a rule this is not a procedure of which we approve, since the time for presentation of evidence is at trial where it can be challenged by the other side and considered by the administrative law judge. Here, however, it appears that only a small quantity of documentation is involved, the authenticity of the tendered exhibits is not questioned, and their introduction will not impede the orderly progress of this proceeding. While we intimate no view respecting the claims made by the parties as to the significance of these documents, we will allow their lodging upon the record.

Therefore,

It is ordered, That the request of respondent The Great Atlantic & Pacific Tea Company, Inc., for permission to file a reply to complaint

Complaint

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counsel's Opposition to Motion for Leave to Lodge be, and it hereby is, granted.

It is further ordered, That the motion of respondent The Great