

IN THE MATTER OF

ELECTRONIC COMPUTER PROGRAMMING INSTITUTE,
INC., ET AL.

Docket 8952. Order, Sept. 21, 1976

Denial of complaint counsel's motion to amend complaint by naming two individuals as additional parties.

Appearances

For the Commission: *Deirdre E. Shanahan* and *D. McCarty Thornton, IV*.

For the respondents: *Robert E. Fischer, Lowenthal, Freedman, Landau, Fischer & Singer*, New York City and *Sidney Davis*, New York City.

ORDER DENYING MOTION TO JOIN ADDITIONAL PARTIES

This matter is before us upon the administrative law judge's certification of complaint counsel's motion to amend the complaint by naming two individuals as additional parties. The Commission has determined that insufficient justification has been offered for adding new parties two and one-half years after the complaint originally issued and that such action would, therefore, not be in the public interest. Accordingly,

It is ordered, That the aforesaid motion be, and it hereby is, denied. Commissioner Dole not participating by reason of absence.

Order

88 F.T.C.

IN THE MATTER OF
SOUNDTRACK CHEVELL INDUSTRIES, INC., ET AL.

Docket 8998. Order, Sept. 21, 1976

Determination that subpoena enforcement proceedings should not be commenced with remand to administrative law judge for issuance of a new subpoena.

Appearances

For the Commission: *Richard H. Gateley* and *John J. Hemrick*.

For the respondents: *Thompson, Knight, Simmons & Bullion*, Dallas, Tex.

ORDER REMANDING MATTER TO ADMINISTRATIVE LAW JUDGE

The administrative law judge has certified complaint counsel's motion that the Commission institute proceedings to enforce a subpoena ad testificandum directing Mr. James Cowan to testify. The subpoena directed Mr. Cowan to appear on July 22, 1976, at a hearing in Dallas, Texas. According to the motion, however, complaint counsel "contacted Mr. Cowan and told him not to appear on July 22, 1976, but that he would be called early the following week should the hearings continue." Complaint counsel assert that they have subsequently been unable to reach the witness.

The Commission has determined that enforcement proceedings should not be commenced unless a new subpoena issues directing Mr. Cowan to appear on a date certain and the witness disobeys the subpoena. Accordingly,

It is ordered, That this matter be, and it hereby is remanded to the administrative law judge for issuance of a new subpoena.

Commissioner Dole did not participate by reason of absence.