

IN THE MATTER OF

AMERICAN HOME PRODUCTS CORPORATION, ET AL.

Docket 8918. Interlocutory Order, Dec. 28, 1977

Order denying application for review of administrative law judge's order denying request for certification of proceeding under Section 3.23(b) of the Commission's Rules of Practice. The Commission finds no basis for a finding of abuse of discretion and no basis for extraordinary review.

ORDER DENYING APPLICATION FOR REVIEW

Once again in this proceeding,¹ the Commission has before it an application for review of a ruling by the Administrative Law Judge filed in spite of his denial of requested certification under Rule Section 3.23(b). American Home Products Corporation ("AHP") urges that we find a clear abuse of discretion which will result in irreparable injury in Judge Hyun's orders of May 26 and September 20, 1977, respecting pre-trial exchanges of proposed exhibits, insofar as they require pre-trial disclosure of respondent's "proposed exhibits which contain data taken directly from the complaint counsel's exhibits but which may be used in or serve as the basis of cross-examination of opposing expert witnesses."²

At the threshold, we note that AHP rather exaggerates the scope of Judge Hyun's order, which explicitly does not extend to "documents or tabulations which respondents intend to use solely for the purpose of cross-examination in impeaching complaint counsel's witnesses without offering them as respondents' exhibits in support of their cases."³ In any event, we find no basis in AHP's application for a finding of clear abuse of discretion in the Administrative Law Judge's rulings, and no basis for exercising extraordinary review thereof. Accordingly,

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

¹ See the Commission's orders of August 18, 1977, and September 10, 1974, similarly denying applications for review made over the Administrative Law Judge's refusal to certify under Rule Section 3.23(b).

² AHP's application, at page 3.

³ Order Denying Respondent's Application for a Determination Permitting Interlocutory Review, issued October 6, 1977.

Modifying Order

90 F.T.C.

IN THE MATTER OF

UNIVERSAL FIGURE FORM OF YOUNGSTOWN,
INCORPORATED, ET AL.MODIFYING ORDER, ETC., IN REGARD TO ALLEGED VIOLATION
OF THE FEDERAL TRADE COMMISSION ACT

*Docket C-2317. Final Order, Nov. 15, 1972 — Modifying Order, Dec. 28,
1977*

This order modifies a final order to cease and desist issued November 15, 1972, 37 FR 28281, 81 F.T.C. 785, by deleting Paragraph III, which required that disclosure notice of third party purchase be incorporated into instruments of indebtedness.

Appearances

For the Commission: *Phillip R. Fine.*

For the respondents: *Donald H. Powers, Terrell, Williams & Salim,*
Cleveland, Ohio.

ORDER MODIFYING FINAL ORDER

Pursuant to Section 3.72(b)(2) of the Commission's Rules of Practice, and after consideration of respondents' petition of October 6, 1977 to reopen and delete Paragraph III of the final order to cease and desist dated November 15, 1972, and after further consideration of the response of the Bureau of Consumer Protection in support of such petition,

It is ordered, That the proceedings be, and they hereby are, reopened for the limited purpose of deleting Paragraph III from the final order to cease and desist.

It is further ordered, That Paragraph III be deleted from the final order to cease and desist dated November 15, 1972.