

Interlocutory Order

92 F.T.C.

IN THE MATTER OF
CHRYSLER CORPORATION, ET AL.

Docket 9072. Interlocutory Order, Nov. 9, 1978

ORDER DENYING APPLICATION FOR LEAVE TO APPEAL

On October 27, 1978, respondents Chrysler Corporation and Chrysler Credit Corporation moved before the administrative law judge (ALJ) that the hearings in this matter be adjourned until March 1, 1979, to afford them an opportunity to solicit the cooperation of many of their independently owned dealers in the execution of the proposed settlement. Complaint counsel joined in the respondents' motion to adjourn. The ALJ, by order issued on October 30, 1978, declined to cancel the hearings in the absence of an assurance that respondents have signed or shortly would sign a consent agreement which is binding upon them. Respondents subsequently filed an application with the Commission for leave to appeal, arguing that the ALJ has abused his discretion in denying their motion.

Although settlement in this case is not a "certainty," both sides have asserted that there is a "strong likelihood" that agreement will be reached, and under such circumstances the request of the contending parties that the proceedings be stayed is highly compelling. Nevertheless, we cannot find an abuse of discretion in the law judge's contrary determination not to adjourn the hearings for a period of four months, at which time hearings might have to resume if respondents' dealers (and apparently, as a result, respondents) were to prove unwilling to accede to the proposed settlement.

The law judge possesses broad discretion in scheduling a trial so as to facilitate a prompt resolution of the issues, either through an adjudicated order or a negotiated settlement. To this end, the ALJ has full authority to postpone scheduled hearings so that parties to a proposed settlement may confer, under the supervision of the law judge, with third parties whose cooperation is deemed necessary for the success of the settlement. But it is the law judge, not the Commission, who is best positioned to weigh the length of the delay against the prospects for third party approval. While the parties have made out a strong case for postponement in this instance, the Commission will not disturb an ALJ's decision to proceed with trial or postpone hearings in the absence of a clear abuse of discretion. Accordingly,

It is ordered, That respondents' application for leave to appeal is denied.

IN THE MATTER OF
CREDIT BUREAU ASSOCIATES, ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION AND FAIR CREDIT REPORTING
ACTS

Docket C-2936. Complaint, Nov. 9, 1978 — Decision, Nov. 9, 1978

This order, among other things, requires a Camden, N.J. credit reporting firm and its partners to cease failing to provide properly identified consumers with requested file information; reinvestigate disputed information; incorporate current findings in consumer files; and promptly advise such consumers of the results of the reinvestigation, without charge. Additionally, the order prohibits the firms from using consumers' phone numbers for debt collection purposes; and requires them to maintain, for a prescribed period, records regarding the manner and form of their compliance with the terms of the order.

Appearances

For the Commission: *Shirley F. Norris.*

For the respondents: *Richard D. DeCon, Capehart & Scatchard,*
Camden, N.J.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, as amended, and of the Fair Credit Reporting Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that the parties named in the caption hereof, hereinafter sometimes referred to as respondents, have violated the provisions of said Acts, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. For the purposes of this complaint and the accompanying order to cease and desist, "consumer report," "consumer reporting agency" and "file" are defined as set forth in Sections 603(d), 603(f) and 603(g), respectively, of the Fair Credit Reporting Act.

PAR. 2. Respondent Credit Bureau Associates is a partnership existing and doing business under and by virtue of the laws of the State of New Jersey, with its trade name registered in Camden County, New Jersey, and its principal office and place of business