UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of)
)
PAUL L. FOSTER,)

WESTERN REFINING, INC.,

)
)
) Docket No. 9323
and)
)
GIANT INDUSTRIES, INC.,)
Respondents.)
)

ORDER GRANTING JOINT MOTION TO HOLD THE INITIAL
SCHEDULING CONFERENCE IN ABEYANCE PENDING FILING OF.RESPONDENTS' RULE 3.26 MOTION

On June 5, 2007"the parties filed a joint motion seeking to hold in abeyance the Initial Prehearing Scheduling Conference required by Rule 3.21(b) ofthe Commission's Rules of Practice. The parties have indicated that Respondents intend to file a motion to withdraw this matter from adjudication pursuant to Commission Rule 3.26(c) and that Complaint Counsel will not oppose such motion. The filing ofsuch motion obviates the need for a scheduling conference at this time.

The motion to hold the initial scheduling conference in abeyance pending the filing of Respondents' Rule 3.26 motion is GRANTED.

ChiefAdministrative Law Judge

Date: June 5, 2007