

and expeditious conduct of the adjudicative process. *In re Daniel Chapter One*, 2009 FTC LEXIS 111, *1 (May 5, 2009); *In re Schering-Plough Corp.*, 2002 WL 31433937 (Feb. 12, 2002). Accordingly, the movant must satisfy a very stringent three-prong test by demonstrating that: (1) the ruling involves a controlling question of law or policy; (2)

arguments, was held in Forth Worth, Texas. *In re North Texas Specialty Physicians*, Docket No. 9312, available at <http://ftc.gov/os/adjpro/d9312/031016aljschedulingorder.pdf> (Administrative Law Judge D. Michael Chappell presiding).

The Commission Rule requires that the hearing shall be held at one place, insofar as practicable. An overriding consideration in exercising the discretion granted to the Administrative Law Judge under the Commission Rule is whether setting the hearing away from the location set by the Commission in the Complaint will allow the hearing "to proceed with all reasonable expedition." 16 C.F.R. § 3.41(b)(1). Thus, administrative efficiency must be considered. Changing the hearing location would require the undersigned to travel to Raleigh, North

record the court should be enabled to do so without having to wait till the

end of the case.

Ahrenholz v. University of Illinois, 219 F.3d 674, 677 (7th Cir. 2000). *See also In re Calimlim*, 1987 FTC LEXIS 71, at *1-2 (May 20, 1987) (denying motion for interlocutory appeal where order involved a factual issue and therefore did not raise a controlling question of law).

Significantly, Respondent's arguments confirm the importance of the factual inquiry in this dispute by highlighting the location of the witnesses and focusing on the

Moreover, this exercise of discretion does not provide grounds for interlocutory

appeal. *In re Suburban Propane Gas Corp.*, 74 F.T.C. 1602, *9; 1968 FTC LEXIS 277 (Sept. 20, 1968) (denying request for interlocutory review concerning prehearing discovery on grounds that appeals concerning "issues relating to procedural details . . . concern prehearing discovery or procedure and thus are subject to the wide discretion of the hearing examiner"⁴). "The [ALJ's] proximity to the proceeding places him in a singularly favorable position to rule on [hearing location] requests and absent some overriding considerations his recommendations with respect thereto will not be

the discretion of the ALJ, it is unlikely that Respondent would have success on an appeal of the merits of this issue. Accordingly, Respondent has not demonstrated that there is

of this case.

For the above stated reasons, Respondent has not demonstrated that the January

