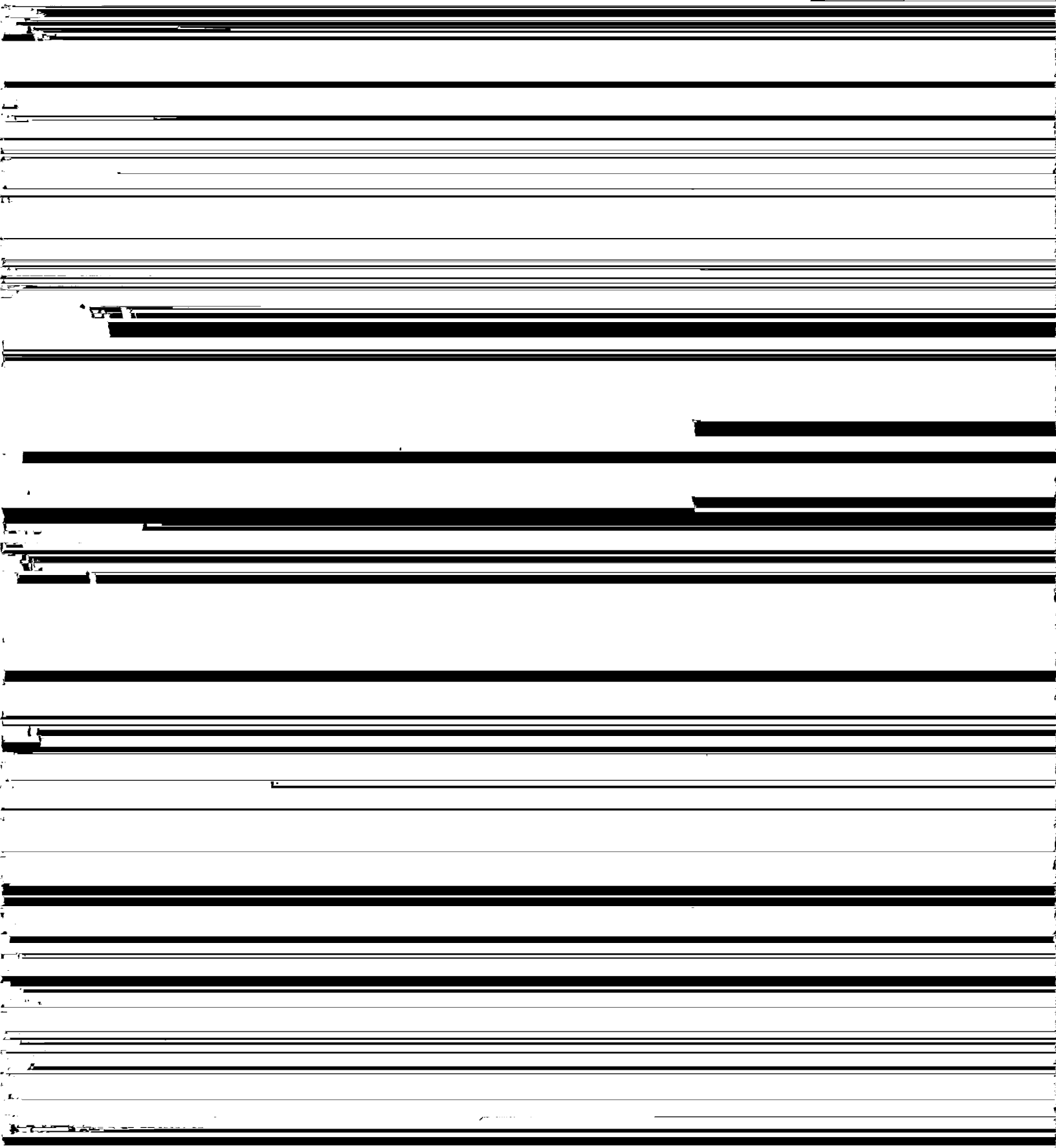


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there is substantial ground for difference of opinion as to that controlling issue; *and* (3) immediate appeal from the ruling may materially advance the ultimate termination of the litigation *or* subsequent review will be an inadequate remedy. 16 C.F.R. § 3.23(b); *In re* ~~David L. Chertoff, On 2000 FTC LEVIS 111 *12; *In re* Automotive Products~~

[REDACTED]

Disclosure” is not an appropriate vehicle for obtaining relief. Rather, Respondent was required to file a motion to compel under Rule 3.38. However, neither Respondent’s previously filed Motion to Compel, submitted January 11, 2011, nor Respondent’s Supplemental Statement regarding the January 11, 2011 Motion to Compel, submitted January 18, 2011, made any reference to any deficiency in

Not only has Respondent failed to show that allowing an appeal from the February 14, 2011 Order would contribute to the determination of a wide spectrum of

determinative of the instant case. The February 14, 2011 Order was a procedural ruling, relating to whether or not Respondent was entitled to the Information Requested under

Commission opinions, is that the hearing examiner^[1] has a broad discretion therein and the Commission will not interfere with his rulings short of a showing of an abuse of such discretion." *In re Suburban Propane Gas Corp.*, 74 F.T.C. 1602; 1968 FTC LEXIS 277, *3 (Sept. 20, 1968) (denying request for interlocutory review concerning prehearing

concern prehearing discovery or procedure and thus are subject to the wide discretion of the hearing examiner"). "The resolution of discovery issues, as a general matter, should be left to the discretion of the ALJ." *In re Gillette Co.*, 98 F.T.C. 975, 975-1091 F.T.C.

prejudiced it in this proceeding, does not provide a basis for interlocutory appeal. *See In re Exxon Corp.*, 1981 FTC LEXIS 112, *4-5 (Feb. 13, 1981) (finding respondents failed to show how an immediate appeal of an order denying discovery withheld on privilege would be prejudicial to their case).