

§ 337.6 [Amended]

2. Section 337.6(e) is amended and revised.

Board of the Board of Directors.

Dated at Washington, D.C., this 26th day of March, 2001.

Federal Deposit Insurance Corporation.

Electronic Submission

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FEDERAL TRADE COMMISSION

16 CFR Parts 2, 3 and 4

Rules of Practice

AGENCY: Federal Trade Commission (FTC).

ACTION: Interim rule with request for comment.

SUMMARY: The Commission is updating and making other technical correction and change to regulation on Organization, Procedure and Rule of Practice.

DATES: The rule amendment will be effective March 18, 2001. Comments must be received on or before March 4, 2001.

The rule amendment will go in effect to Organization, Procedure and Rule 1.01 dated 10/1/00. *00editio reg latm213 c1.

¹ See, e.g., 61 FR 50640 (Sept. 26, 1996); 50 FR 41485 (Oct. 11, 1985).

Section 1.1, which is amended that
electronic filing shall be accompanied by an
electronic copy in ASCII format,
Wolpe v. Federal Bureau of Investigation, 64
FR 71457 (Dec. 21, 1999). This rule
that the motion shall be filed in
electronic format. Document filed on the
system can be readily converted into
one of the following electronic formats.

The amended rule provides that
that an electronic copy of each public
filing in an adjudicative proceeding
shall be submitted to the Commission
by e-mail, while an electronic copy of
an original or the confidential
filing shall be submitted to the
Commission on a diskette attached to
the original of the filing. The
amended rule requires certification that
a case copy with an original signature
is being filed on the same date as the
motion, thereby ensuring the availability
of and compliance with Rule 4.2(e). A case
copy is also required because manual
entry and processing cannot
guarantee that an original document
is filed in a timely and efficient manner.

Second, the amended rule permits the
filing of the public document, such as
a public comment, in either a case or
electronic format. If an electronic filing
is filed, it should be submitted by e-
mail, rather than by diskette. This method
of filing makes the document-handling
process more efficient and effective,
eliminating the problem caused by
unreliable floppy disk labeling of a
diskette. Documents which contain
non-public information other than
those filed for public release before the
Commission, or before an ALJ in
an adjudicative proceeding, must be filed
in a separate format, and must clearly be
labeled as confidential.

The Commission's experience with
electronic filing under the amended
rule illustrates the need for
compliance with the Government
Paperwork Elimination Act, Title XVII
of Public Law 105-277 (Oct. 21, 1998),
but the Act's effective date is October
2003.

Section 4.4: Rule 4.4: In order to assure
that a complaint is received in a timely
manner, leading a complaint is available,
the amended rule adds "lead complaint
copy" to the list of parties to be
served in Rule 4.4(b). A copy must also
be filed with the ALJ.

Rule 4.4(a)(3) and 4.4(b) are
amended to provide explicit
instructions on the right to file.

Section 4.4: Section 4.4: The content
of advice of hearing the Secretary's
document filed by a complainant copy
does not appear to be based on an
order to file a document. This
section is amended to add and

admission to be denied with no award
concerning benefits. Although
changing this advice does not
affect the change, and has been
accomplished by a Notice to Staff and
a public announcement, the
requirement for a certificate of service in
Rule 4.4(c) is now uniformly applicable
to all parties, including both complainant
and respondent. As
indicated by deletion of the phrase "but
a party respondent intervenor" from
this paragraph. Also, the deletion of
the phrase "acknowledgment of
service" in lieu of proof of service
is amended, effective immediately, and
has been deleted.

Section 4.4: Rule 3.43: In *L...*, 73
F.T.C. 578, 603-04 (1968), the
Commission articulated its position
that, because a respondent is in the best
position to determine the authenticity of
documents kept in their own files,
the respondent bears the burden of
producing evidence to rebut a
motion that documents produced
from their files are authentic. For the
same reason, the Commission also
adopted a rebuttable presumption that
such documents are kept in the
regulatory file of the agency, for the sake
of administrative efficiency. This position has been
repeated in subsequent cases, and
applied to documents produced by an
applicant (including the party).

Nevertheless, in some proceeding
concerning continued administrative objection to
the authenticity of their own documents
(through the production of affidavits of
authenticity into evidence)
calling a document into question until
the ALJ is forced to make a finding
enforcing the *L...* presumption. This
advice takes time and energy.
Therefore, in light of the
motion into the file might deter
some of the objection.

Accordingly, the amended rule
creates a second paragraph in Rule
3.43(b) providing that a document
generated and produced by an
applicant engaged in a proceeding is
authentic, and a respondent's
objection and kept in the regulatory file
of the agency of the agency on generating
the document, unless the
applicant intends to rebut the
rebuttable presumption. This
does not apply to Commission records.
Public records are subject to release,
specifically in the Federal Rules of
Evidence, Fed. R. Evid. 803(8, 10),
and the Commission thinks it
appropriate to treat Commission records
as a separate matter. For example, to the
extent the *L...* presumption places a
burden on a producing party to
demonstrate that a particular document

should not be attributed to that party,
such a presumption is neither necessary
nor appropriate in the case of the
Commission. The Commission has made
clear that its burden is not the formal
majority vote of the Commission, and
not the representation of staff. *S...*,
I TRW, I..., 88 F.T.C. 544,
544-45 (Interlocutory Order, Oct. 13-0.0045 TEB
Com3) evidence:

⁶ A stat' fi tt ... fi 278-446585-11m.ng c-.278-Reg156 -1.14among of he th,ng , eachc- tht 1 Tf3.4422 0 TD0 44637'

¹⁰ S C , T . C . . . T O B , 166 F. 3d 490, 492, 494 (2d. Ci . 1999); , S O C . C , 84 F.T.C. 1401, 1446-47 (1974) (initial deci ion inco ectl a ill ing ellate e ie tанда dto com laint co n el' ca e).

1155 406 183.9D8 (Gene5d a.l ing ell#e)TjT*-0.00ti13.1 T (-0.0 1 Tob2T)-2

⁸The Commi ion ob e ed in G F , 95 F.T.C. 352, 353 (1980), that it "ha all denied t eatment fo data" that i mo ethan th ee ea old. (citing ca e). ALJ o tinel el onthi time fame hen di oing of a illation . S , . . I A , C I , 123 F.T.C. 465, 469 (1996).

⁹ S S . . SEC, 450 U.S. 91, 98 (1981).

of the etion intended to be ged," the FRAP tandard a e ome hat mo e ecific and a e idel nde tood b the ba . Soecificall efe ing to and inco o ating the e tandard ho ld lead to mo e nifo m, concie and com ehen ible bief .

The o d co nt limitation o o ide a imole, ea il enfo ceable tandard fo the length of bief . The gi ethe aatie an incenti eto makethei bief legible, a oiding de ice cha malle font , e, ce i e ingle- ace footnde o ha ing of ma gin and acing to get nde a age limit. Con itent ith the a adice in mo t a ellate co t, the le e, cl de the co e, table of content , table of a tho tie , glo aie , and a oendice containing onl edion of tat te o eg lation , and the attachment a i ed b R le 3.45(e), if an , a ell a the " o o o ed fo m of o de ," b t incl de footnote and all othe citation . The aatie o ld be e i ed to cetif thatthei bmi ion comolie iththe a olicable o d co nt.

The con e ion fom age to o d co nt al o o o ide an o o o t nit to econ ide the a o o o iate length fo bief filed iththe Commi ion. O e e ent limit of 90 age fo a t e i tten biefi highe than e eal of o ite agencie , cha the SEC (60 age) o CFTC (50 age), b t lo e than the FERC (100 age). The Fede al R le of A o ellate P oced e im o e a gene al limitation of 30 age o 14,000 o d fo o inci al bief . Vie on the a o o o iate age limit diffe : ome ooint to the comole, it of ecent Pat 3 ca e and the e, tent of the Commi ion' e ie a tho it and a a 90 age biefi it all na oidable; othe a that hate e the comole, it of a ca e, effecti e ad ocac e i e tating the ca e in man fe e age .

Altho gh it i t et hat the Commi ion' Pat 3 ca e tend to be comole, , conce n abo t the length of bief a e mo e com oelling. The Commi ion acco dingl et the limit at 75 age fo o inci al bief , hich con et to 18,750 o d ing the D.C. Ci c it tandard of a o o, imatel 250 o d e e age. The age limitation fo othe bief a e ed ced b a com o a ble amo nt.

The age limitation fo bief in co a o eal me it aatic la c tin . Unde the e e ent le , b filing a co - a o eal a aat mo ethan do ble the n mbe of age to hich that aat i entit led. f om 90 to 205 age . In cont a t, nde the Fede al R le of A o ellate P oced e, a aat filing a co a o eal i e mitted one additional 15-age bief, a fi t -e cent inc ea e in

age . The ne o d limit fo co a o eal a e a follo :
A o ellant' o oening bief 18,750 o d (75 age)
A o ellee/co a o ellant' an e ing bief 26,250 o d (105 age)
A o ellant' e o l . 18,750 o d (75 age)
Re o l of co -a o ellant. 11,250 o d (45 age)
Thi tem till lea e each aat ith an e al n mbe of age , a in the c e nt le, b t c t the total n mbe of age b the e i alent of 110 age .

T O S : T o othe addition to the R le ill a it the mooth f nctioning of the Office of the Sec eta . Fi t, in addition to the "R le 11" t e a tho it al ead in the R le, the Sec eta ho ld ha e the ame a tho it a mo t co tcle k to ejet doc ment fo filing that fail to comol ith Commi ion le , cha the fail eto attach o oof of e ice to a filing in an adj dicati e oceeding, a e i ed b R le 4.4(c). S cha tho it i no o laced in a ne R le 4.2(g).
Second, the Commi ion i fo mall o om l gating a 5:00 le. that i, that doc ment m t be ecei ed b the Sec eta .

¹² The tat te define a " and ioning o ganj ation" a an o ganj ation that " and ion o ofe ional bo, ing matche in the United State ; (A) be een bo, e ho a e ident of diffe nt tate ; o (B) that a ead eti ed, othe i e o omoted, o bo adca t (incl ding clo ed ci c it tele i ion) in inte tate comme ce." Section 7(a)(14), 114 Stat. at 328.

¹³ Section 11(d), 114 Stat. at 323 (codified at 15 U.S.C. 6307c). In lie of filing ch info mation ith the Commi ion, and ioning o ganj ation ma in tead di clo e it on a e b i e, o long a the e b i e adil acce ible to the gene al o blic ing gene alle a ilable ea ch engine , and o long a the ite contain all of the abo e info mation. Id. at 324.
¹⁴ 114 Stat. at 324.

16 CFR P 4

Admini t ation o adice and
o ced e, F eedom of Info ma ion Act,
P i ac Act, S n hine Act.

For the ea on et fo th in the
eamble, the Fede al T ade
Commi ion amend Title 16, Cha te I,
S bcha te A, of the Code of Fede al
Reg lation , a follo :

PART 2—NONADJUDICATIVE PROCEDURES

1. The a tho it citation fo Pat 2
contin e to ead a follo :

5' 1. 15 U.S.C. 46, nle o the ie
noted.

2. Amend 2.41(a) to add a ne
econd entence to ead a follo :

§2.41 Reports of compliance.

(a) * * * An original and one co o of
each ch e o t hall be filed ith the
Sec eta of the Commi ion, and one
co o of each ch e o t hall be filed
ith the A ociate Di ecto fo
Enfo cement in the B ea of Con me
P otection (fo con me o t ection
ode) o ith the A itant Di ecto fo
Compliance in the B ea of
Com o tition (fo com o tition ode).
* * *

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

3. The a tho it citation fo Pat 3
contin e to ead a follo :

5' 1. 15 U.S.C. 46, nle o the ie
noted.

4. Re ie 3.12(a) to ead a follo :

§3.12 Answer.

(a) T . A e o ndent hall
file an an e ithin t ent (20) da
afte being e ed ith the com olaint;
P That the filing of a
motion e mitted nde the e R le
hall al e thi e iod of time a follo ,
nle a diffe ent time i fi ed b the
Admini t atie La J dge.

(1) If the motion i denied, the an e
hall be filed ithin ten (10) da afte
e ice of the ode o denial o thi t
(30) da afte e ice of the com olaint,
hiche e i late ;

(2) If a motion fo mo e definite
tatement of the cha ge i g anted, in
hole o in a t, the mo e definite
tatement of the cha ge hall be filed
ithin ten (10) da afte o denial o o ite

the efo ; the data o the info mation con ide d b the itne in fo ming the o o i n i o n ; an e , h i b i t t o b e e d a a m m a o f o o o t o f t h e o o i n i o n ; the a l i f i c a t i o n o f t h e i t n e , i n c l d i n g a l i t o f a l l o b l i c a t i o n a t h o e d b t h e i t n e i t h i n t h e p r e c e d i n g t e n e a ; the c o m m e n t a t i o n t o b e s a i d f o r t h e t d a n d t e t i m o n ; and a l i t i n g o f a n o t h e c a e i n w h i c h t h e i t n e h a s t e t i f i e d a n e e t a t i a l o b d e o o i t i o n i t h i n t h e p r e c e d i n g f o e a . T h e e d i c l o e h a l l b e m a d e a t t h e t i m e a n d i n t h e e n c e d i e d e d b t h e A d m i n i t a t i e L a J d g e . I n t h e a b s e n c e o f t h e d i c t i o n f o m t h e A d m i n i t a t i e L a J d g e o t i o l a t i o n b t h e p a t i e , t h e d i c l o e h a l l b e m a d e a t l e a t 90 d a b e f o e t h e t i a l d a t e o t h e d a t e t h e c a e i t o b e e a d f o t i a l o , i f t h e e i d e n c e i i n t e n d e d o l e t o c o n t a d i c t o e b t o o o e d e e t t e t i m o n o n t h e a m e b j e c t m a t t e i d e n t i f i e d b a n o t h e p a t n d e t h i s a g a s h , i t h i n 30 d a a f t e t h e d i c l o e m a d e b t h e o t h e p a t .

(c) * * * (4) H P : E . (i) A p a t m a d e o e a n o e o n h o h a b e e n i d e n t i f i e d a n e e t h o e o o i n i o n m a b e e e n t e d a t i a l . I f a e o o t f o m t h e e e t i e i e d n d e 3.31(b)(3), t h e d e o o i t i o n h a l l n o t b e c o n d c t e d u n t i l a f t e t h e e o o t i o o i d e d .

11. Amend 3.33 b adding a e n t e n c e t o t h e e n d o f s a a g a s h (a) t o e a d a f o l l o :

§3.33 Depositions. (a) I * * * T h e p a t i e m a t i o l a t e i n i t i n g o t h e A d m i n i t a t i e L a J d g e m a o n m o t i o n o d e t h a t a d e o o i t i o n b e t a k e n b t e l e p h o n e o t h e e m o t e e l e c t r o n i c m e a n . A d e o o i t i o n t a k e n b c h m e a n i d e e m e d t a k e n a t t h e p l a c e w h e r e t h e d e o n e n t i t o a n e e e t i o n .

12. Amend 3.34 b e i i n g t h e h e a d i n g a n d l a t e n t e n c e o f s a a g a s h (c) t o e a d a f o l l o :

§3.34 Subpoenas. (c) M ; 3.36. * * * N o t h i n g i n s a a g a s h (a) a n d (b) o f t h i e d i c t i o n a t h o j e t h e i a n c e o f b o o e n a e i i n g t h e a o o e a n c e o f o t h e o d c t i o n o f d o c m e n t i n t h e o o e i o n , c t o d , o c o n t o l o f , a n o f f i c i a l o e m p l o e e o f a g o e n m e n t a l a g e n c o t h e t h a n t h e C o m m i o n , o

b o o e n a t o b e e e d i n a f o e i g n c o n t , w h i c h m a b e a t h o j e d o n i n a c c o d a n c e i t h 3.36.

13. Re i e 3.36 t o e a d a f o l l o :

§3.36 Applications for subpoenas for records, or appearances by officials or employees, of governmental agencies other than the Commission, and subpoenas to be served in a foreign country.

(a) F . a n a o o l i c a t i o n f o i a n c e o f a b o o e n a f o t h e o d c t i o n o f d o c m e n t , a d e f i n e d i n 3.34(b), o f o t h e i a n c e o f a b o o e n a e i i n g a c c e t o d o c m e n t o t h e t a n g i b l e t h i n g , f o t h e o o e d e c i b e d i n 3.37(a), i n t h e o o e i o n , c t o d , o c o n t o l o f a g o e n m e n t a l a g e n c o t h e t h a n t h e C o m m i o n o t h e o f f i c i a l o e m p l o e e o f c h o t h e a g e n c , o f o t h e i a n c e o f a b o o e n a e i i n g t h e a o o e a n c e o f a n o f f i c i a l o e m p l o e e o f a n o t h e g o e n m e n t a l a g e n c , o f o t h e i a n c e o f a b o o e n a t o b e e e d i n a f o e i g n c o n t , h a l l b e m a d e i n t h e f o m o f a i t t e n m o t i o n f i l e d i n a c c o d a n c e i t h t h e o o i o n o f 3.22(a). N o a o o l i c a t i o n f o e c o d o a n t t o 4.11 o f t h i c h a p t e o t h e F e e d o m o f I n f o m a t i o n A c t m a b e f i l e d i t h t h e A d m i n i t a t i e L a J d g e .

(b) C . T h e m o t i o n h a l l a t i f t h e a m e e i e m e n t f o a b o o e n a n d e 3.34 o a e e t f o o d c t i o n o a c c e n d e 3.37, t o g e t h e i t h a e e c i f i c h o i n g t h a t :

(1) T h e m a t e r i a l o g h t i e a o n a b l e i n c o e e :

(2) I f o o o o e o f d i c o e , t h e m a t e r i a l f a l l i t h i n t h e l i m i t o f d i c o e n d e 3.31(c)(1), o , i f o a n a d j d i c a t i e h e a r i n g , t h e m a t e r i a l i e a o n a b l e e l e a n t ;

(3) T h e i n f o m a t i o n o m a t e r i a l o g h t c a n n o t e a o n a b l e b e o b t a i n e d b o t h e m e a n ; a n d

(4) W i t h e e e c t t o b o o e n a t o b e e e d i n a f o e i g n c o n t , t h a t t h e p a t e e k i n g d i c o e h a a g o o d f a i t h b e l i e f t h a t t h e d i c o e e e e t e d o l d b e e e m i t t e d b t e a t , l a , c t o m o o a d i c e i n t h e c o n t f o m w h i c h t h e d i c o e i o g h t a n d t h a t a n a d d i t i o n a l o c e d a l e i e m e n t h a e b e e n o i l l b e m e t b e f o e t h e b o o e n a i e e d .

(c) E . I f a n A L J i e a n O d e a t h o j i n g a b o o e n a a n t t o t h i e d i c t i o n , t h e m o i n g p a t m a f o a d t o t h e S e c e t a a e e t f o t h e a t h o j e d b o o e n a , i t h a c o o f t h e a t h o j i n g O d e a t t a c h e d . E a c h c h b o o e n a h a l l b e i g n e d b t h e S e c e t a ; h a l l h a e a t t a c h e d t o i t a c o o f t h e a t h o j i n g O d e ; a n d h a l l b e e e d b t h e m o i n g p a t o n l i n c o n j n c t i o n i t h a c o o f t h e a t h o j i n g O d e .

14. Amend 3.39 b e i i n g t h e f i t e n t e n c e o f s a a g a s h (a) , i n t o d c i n g t e t t o e a d a f o l l o :

§3.39 Orders requiring witnesses to testify or provide other information and granting immunity.

(a) W h e e C o m m i o n c o m p l a i n t c o n e l d e i e t h e i a n c e o f a n o d e e i i n g a i t n e o d e e n d e n t t o t e t i f o o o i d e o t h e i n f o m a t i o n a n d g a n t i n g i m m u n i t y n d e 18 U . S . C . 6002, D i e c t o a n d D e s t D i e c t o o f B e a , A i t a n t D i e c t o i n t h e B e a o f C o m e t i o n , A o c i a t e D i e c t o i n t h e B e a o f C o n m e P d e c t i o n , a n d R e g i o n a l D i e c t o a n d A i t a n t R e g i o n a l D i e c t o o f C o m m i o n R e g i o n a l O f f i c e h a i n g e o n o b i l i t y f o e e n t e r i n g e i d e n c e i n o o t o f t h e c o m p l a i n t a e a t h o j e d t o d e t e m i n e : * * *

15. Amend 3.42 a f o l l o :

a. R e m o e t h e " a n d " a t t h e e n d o f s a a g a s h (c) (1 0) ;

b. R e d e i g n a t i n g o e e n t s a a g a s h (c) (1 1) a s a a g a s h (c) (1 2) a n d

c. a d d i n g n e s a a g a s h (c) (1 1) t h e a d d i t i o n a l e a d a f o l l o :

§3.42 Presiding officials.

(c) * * * (11) T o e j e c t i t t e n b m i o n t h a t f a i l t o c o m p l i t h l e e i e m e n t , o d e n t a t i t h o t e e j d i c e n t i l a p a t c o m p l i e i t h a l l e l e a n t l e ; a n d

16. Amend 3.43 b e i i n g s a a g a s h (b) t o e a d a f o l l o :

§3.34 Evidence.

(b) A ; (1) R e l e a n t , m a t e r i a l , a n d e l i a b l e e i d e n c e h a l l b e a d m i t t e d . I e l e a n t , i m m a t e r i a l , a n d n e l i a b l e e i d e n c e h a l l b e e c l d e d . E i d e n c e , e e n i f e l e a n t , m a b e e c l d e d i f i t o b a t i e a l e i b t a n t i a l l o t e i g h e d b t h e d a n g e o f n f a i e e j d i c e , c o n f i o n o f t h e i e , o i f

J dge incl de in an ling o
 ecommendation info mation that ha
 been g anted t a t a n t
 to 3.45(b) o i bject to
 confidentialit o t ection o a n t to a
 o t e d i e o d e , the Admini t a t i e
 La J dge hall file t o e e ion of the
 ling o ecommendation. A com o l e t e
 e ion hall be ma ked "I C " o
 "S bject to P o t e d i e O d e," a
 a o o i a t e, on the fi t o age and hall
 be e e d o n the o a t i e . The
 com o l e t e e ion ill be o l a c e d in the
 e c o d of the o c c e e d i n g . An
 e , o g a t e d e ion, to be filed i t h i n
 fi e (5) d a a t t e the filing of the
 com o l e t e e ion, hall o m i t t e
 and confidential info mation
 that a o o e a in the com o l e t e e ion,
 hall be ma ked "P blic Reco d" on the
 fi t o age, hall be e e d o n the
 o a t i e , and hall be incl d e d in the
 o blic e c o d of the o c c e e d i n g .

(g) P The
 Admini t a t i e La J dge ma make a
 o o i o n a l g a n t of t a t t o
 m a t e r i a l i f t h e h o i n g e i e d i n
 3.45(b) cannot be made at the time the
 m a t e r i a l i o f f e r e d i n t o e i d e n c e b t t h e
 Admini t a t i e La J dge d e t e m i n e
 t h a t t h e i n t e e t o f j t i c e o l d b e
 e e d b c h a l i n g . W i t h i n t e n t
 (20) d a o f c h a o i o n a l g a n t o f
 t a t , t h e o a t o f f e r i n g t h e
 e i d e n c e o a n i n t e e t e d t h i d o a t
 m t o e e n t a m o t i o n t o t h e
 Admini t a t i e La J dge fo a final
 l i n g o n h e t h e t e a t m e n t
 o f t h e m a t e r i a l i a o o o i a t e o a n t
 to 3.45(b). I f n o c h m o t i o n i f i l e d ,
 t h e Admini t a t i e La J dge ma
 e i t h e e , c l d e t h e e i d e n c e , d e n
 t a t , o t a k e c h o t h e a c t i o n
 a i a o o o i a t e .

19. Amend 3.46 b e i n g t h e l a t

(e) I f a s a t i n c l u d e i n a n b i e f t o b e f i l e d n d e t h i e d i o n i n f o m a t i o n t h a t h a b e e n g a n t e d t a t a n t o 3.45(b) o i b j e c t t o c o n f i d e n t i a l i t o o i o n a n t o a o d e d i e o d e , t h a t s a t h a l l f i l e t o e i o n o f t h e b i e f i n a c c o d a n c e i t h t h e o c e d e o f t h i n 3.45(e). T h e t i m e o e i o d e c i f i e d b t h i e d i o n i t h i n h i c h a s a t m a f i l e a n a n e i n g o e o l b i e f i l l b e g i n t o n o n e i c e o n t h e s a t o f t h e o c o n f i d e n t i a l e i o n o f a b i e f .

(f) S e c . (1) T h e o r i g i n a l o f e a c h b i e f f i l e d h a l l h a e a h a n d - i g n e d i g n a t e b a n a t t o n e o f e c o d f o t h e s a t , o i n t h e c a e o f s a t i e n o t e e e n t e d b c o n e l , b t h e s a t i t e l f , o b a s a t n e i f a s a t n e h i , o b a n o f f i c e o f t h e s a t i f i t i a c o o o a t i o n o a n n i n c o o o a t e d a o c i a t i o n .

(2) S i g n i n g a b i e f c o n t i t e a e e e n t a t i o n b t h e i g n e t h a t h e o h e h a e a d i t ; t h a t t o t h e b e t o f h i o h e k n o l d g e , i n f o m a t i o n , a n d b i e f , t h e t a t e m e n t m a d e i n i t a e t e ; t h a t i t i n o t i n t e o o e d f o d e l a ; t h a t i t c o m l i e i t h t h e a o l l i c a b l e o d c o n t l i m i t a t i o n ; a n d t h a t t o t h e b e t o f h i o h e k n o l d g e , i n f o m a t i o n , a n d b e l i e f , i t c o m l i e i t h t h e o t h e l e i n t h i s a t . I f a b i e f i n o t i g n e d o i g n e d i t h i n t e n t t o d e f e a t a n d o o e o f t h i e d i o n , i t m a b e t i c k e n a h a m a n d f a l e a n d t h e o c c e e d i n g m a g o f o a d a t h o g h t h e b i e f h a n o t b e e n f i l e d .

(g) D

. I n a c a e i n o l i n g a n a o o e a l b c o m o l a i n t c o n e l a n d o n e o m o e e o n d e n t , a n e o n d e n t h o h a f i l e d a t i m e l n o t i c e o f a o o e a l a n d a t o h o m t h e A d m i n i t a t i e L a J d g e h a i e d a n o d e t o c e a e a n d d e i t h a l l b e d e e m e d a n a o o e l l a n t f o o o e o f s a a g a s h (b) , (c) , a n d (d) o f t h i e d i o n . I n a c a e i n h i c h t h e A d m i n i t a t i e L a J d g e h a d i m i e d t h e c o m o l a i n t a t o a l l e o n d e n t , c o m o l a i n t c o n e l h a l l b e d e e m e d t h e a o o e l l a n t f o o o e o f s a a g a s h (b) , (c) , a n d (d) o f t h i e d i o n .

(h) O . A l l o l a g m e n t h a l l b e o b l i c n l e o t h e i e o d e e d b t h e C o m m i o n . O l a g m e n t i l l b e h e l d i n a l l c a e o n a o o e a l t o t h e C o m m i o n , n l e t h e C o m m i o n o t h e i e o d e o n i t o n i n i a t i e o o o n e e t o f a n s a t m a d e a t t h e t i m e o f f i l i n g h i b i e f . O l a g m e n t b e f o e t h e C o m m i o n h a l l b e e o t e d t e n o g a o h i c a l l , n l e o t h e i e o d e e d , a n d a m e m b e o f t h e C o m m i o n a b e n t f o m a n o l

a g m e n t m a o a t i c i o a t e i n t h e c o n i d e a t i o n a n d d e c i o n o f t h e a o o e a l i n a n c a e i n h i c h t h e o l a g m e n t i t e n o g a o h i c a l l e o o t e d . T h e o o e o f o l a g m e n t i t o e m o h a j e a n d c l a i f t h e i t t e n a g m e n t a o o e a i n g i n t h e b i e f a n d t o a n e e e t i o n . R e a d i n g a t l e n g t h f o m t h e b i e f o o t h e t e x t i n o t f a o e d .

(i) C

. T h e C o m m i o n i l l e n t e t a i n o n l j o i n t m o t i o n o f t h e s a t i e e e t i n g c o e d i o n i n t h e t a n c i s t o f o l a g m e n t , e e e e t t h a t t h e C o m m i o n i l l e c e i e a n i l a t e a l m o t i o n h i c h e c i t e t h a t t h e s a t i e h a e m a d e a g o o d f a i t h e f f o t t o t i e l a t e t o t h e d e i e d c o e d i o n b t h a e b e e n n a b l e t o d o . I f t h e s a t i e a g e e i n s a t a n d d i a g e e i n s a t , t h e h o l d f i l e a j o i n t m o t i o n i n c o o a t i n g t h e e t e n t o f t h e i a g e e m e n t , a n d , i f d e i e d , e o a a t e m o t i o n e e t i n g t h o e c o e d i o n t o h i c h t h e h a e b e e n n a b l e t o a g e e . T h e S e c o a , o a n t o d e l e g a t i o n o f a t h o i t b t h e C o m m i o n , i a t h o j e d t o o e o a e a n d i e i n t h e n a m e o f t h e C o m m i o n a b i e f " O d e C o e d i n g T a n c i s t " h e n e e a j o i n t m o t i o n t o c o e d t a n c i s t i e c e i e d .

(j) B

. A b i e f o f a n a m i c c i a e m a b e f i l e d b l e a e o f t h e C o m m i o n g a n t e d o n m o t i o n i t h n o t i c e t o t h e s a t i e o a t t h e i n m b e o m a g e e . (t h e c i a e m t f o) T j T D d i o n m a o h i c f i (b e T * (o o i n t m o l a n t f o) T j l e 7 . A o i n t

t h e c t e m a b e . A t e a l t h a T * i n e c f t o e c e i e d .

