

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


In the Matter of)
)
PAUL L. FOSTER,)
)
WESTERN REFINING, INC.,)
)
)
and)
)
GIANT INDUSTRIES, INC.,)
Respondents.)
)

Docket No. 9323

**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) of the 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 of such 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**.


Stephen J. McGuire
Chief Administrative Law Judge

Date: June 5, 2007