

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN ELECTRONIC PAPER TOWEL
DISPENSING DEVICES AND COMPONENTS
THEREOF

Inv. No. 337-TA-718

**ORDER NO. 14: ORDERING RESPONDENTS STEFCO INDUSTRIES AND
CELLYNNE CORPORATION TO SHOW CAUSE BY OCTOBER 12,
2010 WHY THEY SHOULD NOT BE FOUND IN DEFAULT**

(September 21, 2010)

On August 16, 2010, Complainant Georgia-Pacific Consumer Products LP filed a motion requesting an order to show cause why Respondents StefcO Industries, Inc. and Cellynne Corporation (collectively, "Stefco") should not be held in default. (Motion Docket No. 718-010.) Complainant argues that StefcO has not answered the Complaint and has failed to provide any response to discovery requests. (Mot. at 2.) Complainant fails to attach any support for its motion. *See* Ground Rule 2.1. On this ground alone, Complainant's motion would be denied (without prejudice); however, the Commission Investigative Staff ("Staff") supports Complainants' motion and confirms Complainant's account of StefcO's failure to participate in the Investigation. (*See* Staff Response,¹ dated August 20, 2010.)

A respondent may be found in default for failure to respond to the complaint and notice of investigation in the manner prescribed in Commission Rules 210.13 or 210.59(c), or otherwise for failure to answer the complaint and notice, and for failure to show cause why it should not be found

¹ Staff notes another omission with respect to Complainant's motion. (Staff Response at n. 1.) Complainant is advised to review and comply with all Ground Rules. (*See* Order No. 12.)

in default. 19 C.F.R. § 210.16(a)(1). Also when a respondent fails to respond or appear, “a party may file a motion for . . . an order directing that respondent to show cause why it should not be found in default. If the respondent fails to make the necessary showing, the administrative law judge shall issue an initial determination finding the respondent in default.” *See* 19 C.F.R. § 210.16(b)(1).

The record indicates that Stefco has made an appearance in this Investigation. (*See* Notice of Appearance, dated June 9, 2010.) Stefco sought extensions to respond to the Complaint on the basis that it was engaged in settlement talks, and both extensions were granted. (Motion Docket Nos. 718-002 and 718-004; Order Nos. 4, 6.) It is noted that Stefco has not filed a response to the Complaint and Notice of the Investigation as of the date of this Order. Furthermore, Complainant and Staff represent that Stefco has not participated in discovery, and that Stefco has not entered into a settlement with Complainant.

The Administrative Law Judge finds that Complainant’s motion for a show cause order against Stefco (Motion Docket No. 718-010) should be GRANTED. Respondents Stefco Industries, Inc. and Cellynne Corporation are hereby ordered to show cause why they should not be found in default. Stefco should respond by way of written submission (filed pursuant to the Commission’s Rules and the Ground Rules) no later than October 12, 2010. In the absence of any showing of good cause within said time period, the Administrative Law Judge will enter an Initial Determination of default against Respondents Stefco Industries, Inc. and Cellynne Corporation.

SO ORDERED.



E. James Gildea
Administrative Law Judge

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PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER** has been served by hand upon, the Commission Investigative Attorney, **Lisa A. Murray, Esq.**, and the following parties as indicated on September 21, 2010.


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