

## § 1025.19

The orders may be combined with a prehearing order under § 1025.21 of these rules and may be altered or amended as may be necessary.

(g) *Scope of final order.* In any proceedings maintained as a class action, any Decision and Order of the Presiding Officer or the Commission under § 1025.51 or § 1025.55, as applicable, whether or not favorable to the class, shall include and describe those respondents whom the Presiding Officer or the Commission finds to be members of the class.

(h) *Notice of results.* Upon the termination of any adjudication that has been maintained as a class action, the best notice practicable of the results of the adjudication shall be given to all members of the class in such manner as the Presiding Officer or the Commission directs.

### § 1025.19 Joinder of proceedings.

Two or more matters which have been scheduled for adjudicative proceedings and which involve similar issues may be consolidated for the purpose of hearing or Commission review. A motion for consolidation may be filed by any party to such proceedings not later than thirty (30) days prior to the hearing and served upon all parties to all proceedings in which joinder is contemplated. The motion may include a request that the consolidated proceedings be maintained as a class action in accordance with § 1025.18 of these rules. The proceedings may be consolidated to such extent and upon such terms as may be proper. Such consolidation may also be ordered upon the initiative of the Presiding Officer or the Commission. Single representatives may be designated by represented parties, intervenors, and participants with an identity of interests.

### Subpart C—Prehearing Procedures, Motions, Interlocutory Appeals, Summary Judgments, Settlements

#### § 1025.21 Prehearing conferences.

(a) *When held.* Except when the presiding officer determines that unusual circumstances would render it impractical or valueless, a prehearing con-

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ference shall be held in person or by conference telephone call within fifty (50) days after publication of the complaint in the FEDERAL REGISTER and upon ten (10) days' notice to all parties and participants. At the prehearing conference any or all of the following shall be considered:

- (1) Petitions for leave to intervene;
  - (2) Motions, including motions for consolidation of proceedings and for certification of class actions;
  - (3) Identification, simplification and clarification of the issues;
  - (4) Necessity or desirability of amending the pleadings;
  - (5) Stipulations and admissions of fact and of the content and authenticity of documents;
  - (6) Oppositions to notices of depositions;
  - (7) Motions for protective orders to limit or modify discovery;
  - (8) Issuance of subpoenas to compel the appearance of witnesses and the production of documents;
  - (9) Limitation of the number of witnesses, particularly to avoid duplicate expert witnesses;
  - (10) Matters of which official notice should be taken and matters which may be resolved by reliance upon the laws administered by the Commission or upon the Commission's substantive standards, regulations, and consumer product safety rules;
  - (11) Disclosure of the names of witnesses and of documents or other physical exhibits which are intended to be introduced into evidence;
  - (12) Consideration of offers of settlement;
  - (13) Establishment of a schedule for the exchange of final witness lists, prepared testimony and documents, and for the date, time and place of the hearing, with due regard to the convenience of the parties; and
  - (14) Such other matters as may aid in the efficient presentation or disposition of the proceedings.
- (b) *Public notice.* The Presiding Officer shall cause a notice of the first prehearing conference, including a statement of the issues, to be published in the FEDERAL REGISTER at least ten (10) days prior to the date scheduled for the conference.