

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

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In the Matter of )

CERTAIN LENS-FITTED FILM PACKAGES )

) Investigation No. 337-TA-406  
) Enforcement Proceedings II  
)

NOTICE OF COMMISSION DETERMINATION GRANTING THE ADMINISTRATIVE LAW JUDGE'S  
REQUEST FOR JUDICIAL ENFORCEMENT OF A SUBPOENA

AGENCY: U.S. International Trade Commission.

ACTION: Notice

SUMMARY: Notice is hereby given that the Commission has determined to grant the presiding administrative law judge's (ALJ's) request for judicial enforcement of a subpoena in the above-captioned enforcement proceedings.

FOR FURTHER INFORMATION CONTACT: Tim Yaworski, Esq., telephone 202-205-3096, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, D.C., telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at (<http://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202- 205-1810.

SUPPLEMENTARY INFORMATION: These enforcement proceedings were instituted on September 27, 2002, 67 Fed. Reg. 61152. The enforcement complainant is Fuji Photo Film Co., Ltd. ("Fuji"). The enforcement respondents are Jazz Photo Corp. and two individuals associated with that firm, Jack Benum and Anthony Cossentino (collectively, "Jazz"). The proceedings were suspended for approximately four months earlier this year in light of discovery problems caused by the SARS epidemic in the Far East.

An November 25, 2003, Fuji asked the ALJ to certify to the Commission for judicial enforcement two subpoenas: one to Single Use Camera Company (“SUCC”) d/b/a Single Use Camera Recycling of Alhambra, California, and the other to Kenneth Haase a/k/a Kenneth Craig (“Haase”), a principal of SUCC. The subpoenas sought deposition testimony and documents relevant to Jazz’s defense that it is repairing rather than re-manufacturing the lens-fitted film packages at issue in the enforcement proceedings. Fuji also sought evidentiary sanctions against Jazz.

On November 17, 2003, the ALJ issued Order No. 117 in which he certified the SUCC subpoena, but not the Haase subpoena, to the Commission with a request for judicial enforcement. Order No. 117 also denied Fuji’s request for evidentiary sanctions. The order was served on November 26, 2003.

The evidentiary hearing in the enforcement proceedings is scheduled to be held from December 8, 2003, to December 12, 2003.

The Commission determined to grant the ALJ’s request for judicial enforcement of the SUCC subpoena despite the relatively short time period between issuance of the request and the scheduled close of the evidentiary hearing. The Commission notes that the ALJ may re-open the record and/or schedule additional hearing time if appropriate in light of the information that the Commission will seek to obtain from SUCC.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and Commission rule 210.32(g), 19 C.F.R. § 210.32(g).

By order of the Commission.

Marilyn R. Abbott  
Secretary to the Commission

Issued: December 8, 2003