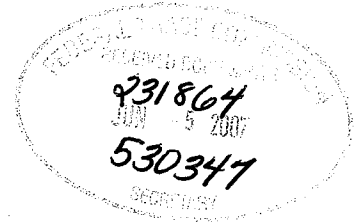


ORIGINAL



UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

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

PUBLIC

Docket No. 9323

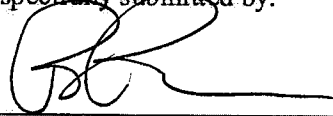
**JOINT MOTION TO HOLD THE INITIAL SCHEDULING CONFERENCE IN
ABEYANCE PENDING FILING OF RESPONDENTS' RULE 3.26 MOTION**

Complaint Counsel and Respondents, Paul L. Foster, Western Refining, Inc., and Giant Industries, Inc., (collectively, the "Parties") hereby respectfully request that the Court hold in abeyance the Initial Scheduling Conference required by Rule 3.21(b) of the Commission Rules of Practice, 16 C.F.R. § 3.21(b). Respondents intend to file a Rule 3.26(c) motion today and Complaint Counsel will not oppose such motion. Under Rule 3.26(c), 16 C.F.R. § 3.26(c), the Secretary of the Commission will withdraw the matter from adjudication and thus the entry of an Initial Scheduling Order appears unnecessary at this time.

For the reasons stated above, the Parties respectfully request the Court hold the initial scheduling conference in abeyance pending the filing of Respondents' Rule 3.26(c) motion.

Date: June 5, 2007

Respectfully submitted by:



Peter Richman

Bureau of Competition
Federal Trade Commission
Washington, D.C. 20580

COUNSEL SUPPORTING THE COMPLAINT



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Washington, D.C. 20036

COUNSEL FOR RESPONDENTS

CERTIFICATE OF SERVICE

I, Peter Richman, hereby certify that on June 5, 2007, I caused a true and correct copy of the attached *Joint Motion to Hold the Initial Scheduling Conference in Abeyance Pending Filing of Respondents' Rule 3.26 Motion* to be served upon the following persons:

Two courtesy copies by hand delivery and electronic mail:

Hon. Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
Room H-112
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580

By electronic mail and by hand delivery:

Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-135
Washington, D.C. 20580

A handwritten signature in black ink, appearing to be 'P. Richman', with a long horizontal line extending to the right from the end of the signature.

Peter Richman
Attorney
Federal Trade Commission