

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN BEARINGS AND
PACKAGING THEREOF**

Investigation No. 337-TA-469

ORDER

The Commission concluded the above-captioned investigation on May 12, 2004, finding no violation of section 337 of the Tariff Act of 1930, as amended 19 U.S.C. § 1337. On July 8, 2004, Complainant, SKF USA Inc. (“SKF”) of Norristown, Pennsylvania filed a notice of appeal of the Commission’s final determination with the U.S. Court of Appeals for the Federal Circuit, where the appeal is currently pending. On August 3, 2004, one of the four remaining respondents, McGuire Bearing Company (“McGuire”), of Portland Oregon, filed a Motion for the Payment of Attendance Fees. On August 12, 2004, respondent Bearings Limited of Hauppauge, New York filed a response to McGuire’s motion. The Commission investigative attorney filed an opposition to McGuire’s motion on August 13, 2004, and SKF filed an opposition on August 16, 2004. On August 27, 2004, McGuire filed a motion for leave to reply to SKF’s opposition. McGuire asserts that it had an agreement with SKF to pay attendance fees without requiring the issuance of a subpoena.

Commission Rule 210.32(f), 19 C.F.R. § 210.32(f), provides that, “[a]ny person compelled to appear in person to depose or testify in response to a subpoena” shall be

compensated in accordance with the applicable Federal regulations and U.S. court rules. Commission Rule 210.32(f), 19 C.F.R. § 210.32(f). However, McGuire acknowledges that no subpoenas were issued in this investigation. The Commission has determined that it is not appropriate, under these circumstances, to attempt to resolve what is essentially a contract dispute between two private parties. The Commission notes that it does not have any special expertise or mandate regarding contract law, and takes no position on the factual or legal issues underlying this dispute.

Accordingly, it is hereby Ordered that:

1. McGuire's Motion for Payment of Attendance Fees is *dismissed*.
2. McGuire's Motion for Leave to Reply is *granted*.
3. The Secretary will serve this Order on the parties to this investigation.

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: February 11, 2005