

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

CIV-79-989

HOOKEr CHEMICALS AND PLASTICS CORPORATION,
HOOKEr CHEMICAL CORPORATION, OCCIDENTAL
PETROLEUM INVESTMENT CORPORATION, and
OCCIDENTAL PETROLEUM CORPORATION (HYDE
PARK LANDFILL),

Defendants.

In accordance with my order of August 7, 1981, a hearing shall be set for September 9 and 10, 1981, to begin on September 9 at 10 a.m.

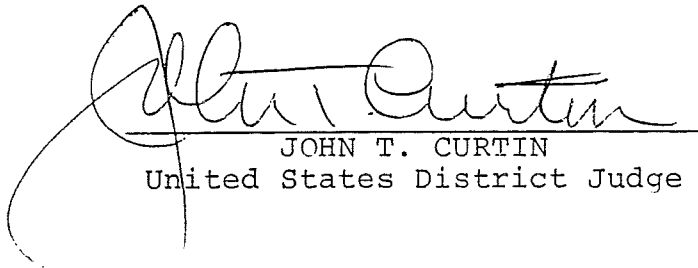
The court has had two conference calls with a number of the attorneys in this case to discuss the logistics of the hearing. ¹ At the direction of the court, the parties and amici will submit what papers they believe should be before the court in preparation for the hearing. These papers shall be received by the parties and the court by September 4, 1981.

Furthermore, the parties and the amici will provide the names of all witnesses to one another and to the court, their resumes, and a brief statement of their likely testimony. In addition, counsel for Hooker and amici shall meet to discuss the witness lists as well as, if possible, the more substantive issues which may be before the court at the hearing.

There is a final matter which must be addressed before the hearing. The court has had under submission two

motions to intervene. Because of the difficult legal problems posed by these motions and the press of other business, the court will not be able to resolve these matters prior to the September hearing. In order to preserve the rights of the applicants for intervention, they shall have leave to participate in those hearings to the same extent as amici.

So ordered.



JOHN T. CURTIN
United States District Judge

Dated: August 12, 1981

FOOTNOTE

1

The court contacted attorneys David Floyd for defendants, Jack Penca for plaintiff United States, Lorelei Borland for plaintiff State of New York, and Barbara Morrison for amici. Although the court regrets not being able to include counsel for all of the many parties in the conference calls, the need to proceed with expedition prompted the court's acting in this fashion. Moreover, the court is satisfied that the interests of all parties were adequately represented and safeguarded in these discussions concerning the logistics of the hearing.

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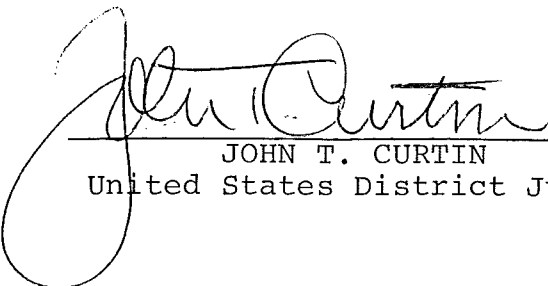
Defendants.

The court has now had an opportunity to study
the proposed settlement as well as the submission by amicus.

In a well drawn brief, amicus raises a number of
objections to a specific remedial strategy. Most important,
amicus argues that there will be no impermeable "floor" to
contain the toxic substances in the Hyde Park landfill.
Because of the nature of the material in the landfill and the
plaintiffs' duty to protect the public interest, I am most
concerned about these charges.

The parties shall have until July 29, 1981, to
respond in order to explain their positions and whether the
requisite remedial technology will accommodate the problems
raised by amicus.

So ordered.



JOHN T. CURTIN
United States District Judge

Dated: July 10, 1981

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

CIV-79-989

HOOKER CHEMICALS AND PLASTICS CORPORATION,
HOOKER CHEMICAL CORPORATION, OCCIDENTAL
PETROLEUM INVESTMENT CORPORATION, and
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PARK LANDFILL),

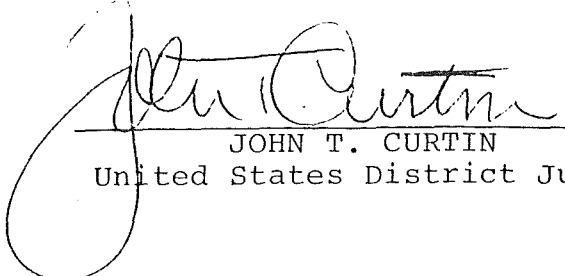
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In a well drawn brief, amicus raises a number of objections to a specific remedial strategy. Most important, amicus argues that there will be no impermeable "floor" to contain the toxic substances in the Hyde Park landfill. Because of the nature of the material in the landfill and the plaintiffs' duty to protect the public interest, I am most concerned about these charges.

The parties shall have until July 29, 1981, to respond in order to explain their positions and whether the requisite remedial technology will accommodate the problems raised by amicus.

So ordered.



JOHN T. CURTIN
United States District Judge

Dated: July 10, 1981