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June 18, 1981

Hon. John T. Curtin
Chief Judge
United States District Court
Western District of New York
U.S. Courthouse
Buffalo, New York 14202

Re: U.S. v. Hooker et al
Civil No. 79-989
(Hyde Park Landfill)

Dear Judge Curtin:

We are forced to request an extension of at least one (1) week from the original due date of June 23, 1981, in which to file our joint amicus brief with the Court.

Our inability to meet the submission date originally agreed upon by the parties and approved by the Court, is predicated upon the failure of State officials to release material data properly discoverable under the New York Freedom of Information Law (FOIL), even though it was timely requested. The annexed affidavit made by Barbara Morrison, as counsel for the Ecumenical Task Force, sets forth the factual basis for our request and is made in support thereof.

We apologize for proceeding by letter and affidavit in lieu of submission of a formal motion, but are doing so at the suggestion of Hooker's Counsel, due to time constraints.

Because of the occurrences of the last few days, upon the request of our consultants, we are taking additional steps to verify that we have, in fact, received the relevant hydrogeologic data upon which the parties rely in negotiating the proposed settlement.

We have made every effort to responsibly and thoroughly fulfill our function as amici curiae in the process of preparing our brief for the Court's consideration. It is not our intention to inconvenience the Court by delay, or to deprive Hooker's Counsel of an opportunity to respond, if necessary.

Sincerely,

Barbara Morrison
Barbara Morrison
Toby Vigod
Toby Vigod

BM,TV/jm

Hon. John T. Curtin

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June 18, 1981

Enclosures

cc: Richard J. Arcara

Robert Abrams

Carol Dinkins

Louis Nizer

Thomas Truitt

David K. Floyd

Edward P. Jesella, Jr.

Robert Paul Merino