

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA
vs. THE STATE OF NEW YORK

9-CIVIL 79-989C

-VS-

HOOVER CHEMICAL & PLASTICS CORP., et. al.

SIR: Take notice that an ORDER was duly granted and entered
in the above entitled action, on the 5th day of June, 1981

DATED: Buffalo, New York

June 8, 1981

John K. Adams, Clerk
U.S. District Court
604 U.S. Courthouse
Buffalo, New York 14202

TO: Jack Penca, AUSA
Robert Abrams, Asst. Atty/Gen
Grossman, Levine & Civiletti
Barbara Morrison, Esq.
Thomas Truitt, Esq.
Louis Nizer, Esq.
David K. Floyd, Esq.
Robert P. Merino, Esq.
Edward P. Jesella, Jr., Esq.
Steven Shapiro, Esq.
Richard Lippes, Esq.
Lewis Steele, Esq.
Toby Vigod, Esq.

FILED

JAY, KLAIF & MORRISON

U.S. DISTRICT COURT
W.D. OF N.Y.

ATTORNEYS AND COUNSELORS AT LAW

1032 ELLICOTT SQUARE

BUFFALO, NEW YORK 14203

BARBARA MORRISON
LEONARD J. KLAIF
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(716) 856-6300

June 5, 1981

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

FILED
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U.S. DISTRICT COURT
W.D. OF N.Y.

Re: U.S. v. Hooker, et al.
Civil No. 79-989

Dear Judge Curtin:

After discussion with counsel for Pollution Probe on May 31, 1981, it became apparent that although the Ecumenical Task Force and Probe retain individual and distinct concerns as amici curiae in the above case, there are a number of fundamental issues and technical matters which evoke a common concern.

Toby Vigod and I discussed the possibility of proceeding with a jointly prepared brief with the court's permission, to avoid duplication of effort in certain areas. I contacted Harold Levy who suggested that I determine the position of the parties with respect to the proposed change.

David Floyd and William Gisell, (for Hooker), indicated that submission of a joint brief appeared to be reasonable and that Hooker had no objection if such arrangement was satisfactory to the Court. In addition, I obtained consent from counsel for all other parties after discussion with Mary Ellen Burns, Jack Penca, Edward Jesella, and Robert Merino.

Hooker's consent was specifically predicated upon a stipulation that filing and service of the joint brief would occur by June 23, 1981, and that the submission date would not be subject to further extension. In requesting the consent of the other parties named in this arrangement, it was specifically represented that a joint brief would be submitted by June 23, 1981.

June 5, 1981

Ms. Vigod and I believe that this arrangement will be beneficial to each amicus and will facilitate review by the Court and the parties. I therefore respectfully request, on behalf of the Ecumenical Task Force, Pollution Probe, and Operation Clean-Niagara, that such an arrangement be permitted by this Court.

Very truly yours,

Barbara Morrison

Barbara Morrison

BM/sas

cc: Jack S. Penca
Marcia J. Cleveland
Carol Dinkins
David K. Floyd
Louis Nizer
Thomas H. Truitt
Edward P. Jesella, Jr.
Robert Paul Merino

So Ordered

John T. Curtin
JSD CJ
6/5/81