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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, et al.,
Plaintiffs

v.

HOOKER CHEMICALS AND PLASTICS
CORP., et al.,

Defendants

CIV -79-989C

(Hyde Park Landfill)

SIR: Take notice of an ORDER, ~~XXXXXXXXXX~~ of
which the within is a copy, duly granted in the within
entitled action on the -- day of --, and
entered in the Office of the Clerk of the United States
District Court, Western District of New York, on the
9th day of June, 1983.

Dated: Buffalo, New York

June 10, 1983

JOHN K. ADAMS, CLERK
U.S. District Court
Western District of New York
U.S. Courthouse
Buffalo, New York 14202

TO: Jack S. Penca, Esq. (Michael S. Elder, Esq.)
Mary Ellen Burns, Esq.
Barbara Guibord, Esq.
Thomas H. Truitt, Esq.
Louis Nizer, Esq.
David K. Floyd, Esq.
Lewis Steele, Esq.
Robert J. Sugarman, Esq.
Barbara Morrison, Esq.
Robert Paul Merino, Esq.
Edward P. Jesella, Esq.
Stanley Grossman, Esq.
Steven Shapiro, Esq.
Richard J. Lippes, Esq.
Toby Vigod, Esq.



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U.S. Department of Justice

FILED

United States Attorney
Western District of New York

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

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MSE:gw
Civ. 79-989-C

United States Courthouse
Buffalo, New York 14202

June 7, 1983

JUN - 7 1983

BY COURIER JOHN T. CURTIN
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF NEW YORK

Hon. John T. Curtin
Chief Judge,
U. S. District Court
624 U. S. Courthouse
Buffalo, New York 14202

Re: United States, et al v. Hooker Chemicals
and Plastics Corp., et al
(Hyde Park Landfill) - Civ. 79-~~989~~⁹⁸⁸-C *989c*

Dear Judge Curtin:

This is to confirm my telephone conversation of June 2, 1983, with Mr. Dellinger, concerning the time for filing response briefs to the motion for costs and attorneys' fees in the above-entitled action.

As I indicated to Mr. Dellinger, the Supreme Court recently heard argument in Burford v. Sierra Club, No. 82-242, September Term, 1982 and, consistent with the Supreme Court's normal practice, we expect that a decision will be announced before the Court's Summer recess. Because Sierra Club involves an award of costs and fees under a statute authorizing such awards where "appropriate", the Government expects the Court's decision to either control or offer substantial guidance on the issue presented by the motion before the Court.

In order to avoid the possibility that additional briefs may be necessary to address the anticipated decision in Sierra Club, I suggested to Mr. Dellinger that the response briefs should not be filed until Sierra Club is decided and he indicated that this procedure would be acceptable to the Court. If, for some reason, Sierra Club is put over to the 1983 term, we would, of course, file our response briefs promptly.

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The State of New York and OCC concur with the Government's suggested procedure and Mr. Steele opposes. Mr. Steele indicated his belief that the response briefs should be filed as scheduled and that another round of briefs be filed after Sierra Club is decided. However, we believe that Mr. Steele's suggestion would result in an unnecessary waste of the parties' time and resources, not to mention those of the Court, and, accordingly, we intend to file our briefs in accordance with my June 2, 1983 conversation with Mr. Dellinger, as confirmed by this letter, unless, of course, the Court directs otherwise.

Respectfully,

ASSISTANT ATTORNEY GENERAL
Land and Natural Resources Division
U. S. Department of Justice

Michael Elder

By: MICHAEL S. ELDER
Attorney, Environment
Enforcement Section

cc: Mr. Truitt
Mr. Watson
Mr. Wasser
Ms. Burns
Mr. Steele

*application granted
for Extension of
Briefs until*

7/19/83

John T. Cuth