

CCASE:
SOL (MSHA) V. VIRGINIA CREWS COAL
DDATE:
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TTEXT:

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. WEVA 92-714
Petitioner : A.C. No. 04702-03566
v. :
: No. 14 Mine
VIRGINIA CREWS COAL COMPANY, :
Respondent :

ORDER DENYING MOTION FOR CONTINUANCE OF HEARING

By letter dated February 10, 1993, the respondent's counsel requests a continuance of the hearing scheduled in this matter in Charleston, West Virginia on Tuesday, March 16, 1993. As grounds for the request, counsel states in pertinent part as follows:

The captioned matter is scheduled for hearing on March 16, 1993, at 9:00 a.m., in Charleston, West Virginia. I am also scheduled for hearing in Secretary of Labor v. Laurel Coal, Inc., Docket No. WEVA 92-1282 (ALJ Melick) for the same date. The Laurel Coal matter has already been rescheduled twice and Judge Melick has said that he will grant no further continuances.

The Notice of Hearing in this case was issued on October 23, 1992, prior to Judge Melick's scheduling of the hearing in the Laurel Coal case, and the subsequent continuances which he granted. I have other hearings scheduled in Charleston for the remainder of the week of March 15, 1993, and continuing this case is simply not cost effective. My trial calendar is full through the first week of May, 1993, and it does not include any hearings in Charleston. Under the circumstances, further delay in this case pending the scheduling of hearings in Charleston at some future known time is not warranted. Further, given the size of the firm representing the respondent in this matter, I am not convinced that counsel of record is the only attorney available to proceed with this case. In addition to its Charleston office, Jackson & Kelly has four other offices in West Virginia, and the issues in this case do not appear difficult or unusual. Under all of these circumstances, the request for a continuance of the hearing IS DENIED, and it will proceed as scheduled.

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George A. Koutras
Administrative Law Judge

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