

CCASE:  
SOL (MSHA) V. MAPLE MEADOW MINING  
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TTEXT:

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. WEVA 92-1025  
Petitioner : A.C. No. 46-03374-03732  
v. :  
 : Maple Meadow Mine  
MAPLE MEADOW MINING COMPANY, :  
Respondent :

ORDER DENYING MOTION FOR CONTINUANCE OF HEARING

By letter dated February 15, 1993, the respondent's counsel requests a continuance of the hearing scheduled in this matter in Charleston, West Virginia, on Wednesday, March 17, 1993. As grounds for the request, counsel states in pertinent part as follows:

The captioned matter is scheduled for hearing on March 17, 1993, in Charleston, West Virginia. Administrative Law Judge Melick has scheduled a hearing in Secretary of Labor v. Laurel Coal Corporation (Docket No. WEVA 92-1282) for March 16. That matter involves approximately ten witnesses and has been continued twice before. Judge Melick has informed the parties that he will grant no further continuances in that proceeding.

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 unknown 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

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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.

George A. Koutras  
Administrative Law Judge

Distribution:

Patrick L. DePace, Esq., Office of the Solicitor, U.S. Department of Labor, 4015 Wilson Blvd., Room 516, Arlington, VA 22203  
(Certified Mail)

David J. Hardy, Esq., Jackson & Kelly, P.O. Box 553, Charleston, WV 25322 (Certified Mail)

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