

CCASE:

AWC; ROBERTSON, CECIL, KING & PRUITT;
STREET, STREET, STREET, SCOTT & BOWMAN

DDATE:

19920114

TTEXT:

January 14, 1992

IN RE: CONTESTS OF RESPIRABLE DUST

SAMPLE ALTERATION CITATIONS

MASTER DOCKET NO. 91-1

ORDER

On November 13, 1991, the Commission granted petitions filed by the Secretary of Labor and the contestants represented by the law firm of Jackson & Kelly, for interlocutory review of orders entered by Commission Administrative Law Judge James A. Broderick in these proceedings. Petitioners have filed their briefs and response briefs. On January 3, 1992, contestants represented by the law firms of Robertson, Cecil, King & Pruitt and Street, Street, Street, Scott & Bowman filed motions to join in the response brief filed by Jackson & Kelly. These contestants did not join in Jackson & Kelly's petition for interlocutory review and have not previously sought to participate in this interlocutory proceeding.

These contestants did not attempt to explain in their motions why they waited until all briefs were filed to seek to participate in this interlocutory review proceeding. They have been aware of this appeal since it was filed and could reasonably have sought to participate on a more timely basis. Parties who wish to participate in appeals to this Commission must do so promptly after review has been granted. See generally *Mid-Continent Resources, Inc.*, 12 FMSHRC 2399, 2404-05 (December 1989). Accordingly, the above-referenced motions to join in the response brief filed by Jackson & Kelly are denied.