

81-1687

GENERAL DOCKET

81-1687

 UNITED STATES COURT OF APPEALS
 FOR THE
 DISTRICT OF COLUMBIA CIRCUIT

 mcm 11-3-81
 mcm 9-28-81

PETITION FOR REVIEW OF AN ORDER OF

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

 Oil, Chemical and Atomic Workers International
 Union,

and

Local 3-499, Oil, Chemical and Atomic Workers,

Petitioners

v.

American Cyanamid Company

Respondent

*per 2/26/82
 opinion*

COUNSEL: APPELLANT/PETITIONER

TYPE

 George H. Cohen 833-9340
 Robert M. Weinberg
 Jeremiah A. Collins
 Bredhoff, Gottesman, Cohen, Chanin
 Weinberg & Petramalo
 1000 Connecticut Ave., N.W.
 Washington, D.C. 20036

PRI

~~American Cyanamid Company, movant for
 leave to participate as amicus curiae~~
~~Donald L. Morgan 828-3000~~
~~Mark N. Duvall 728-2700~~
~~John D. McInerney~~
~~Cleary, Gottlieb, Steen & Hamilton~~
~~1250 Conn. Ave. N.W. 20036~~
~~Charles F. Lettow see next page~~
~~1752 "N" St., N.W.~~

COUNSEL: APPELLEE/RESPONDENT

TYPE

 Allen H. Feldman
 Dennis K. Kade
 U.S. Dept. of Labor
 Room S 4004

20210

US.

Popular Name:

Number of Case/Order Below: OSHRC 79-5762

Case Type: AGY.RVW.

JS-34: Yes No

Judge Below:

Date of Judg./Order:

USDC Offense/Nature of Suit Code:

Date Docketed: 06-22-81

Date Filed in Dist. Court:

Notice of Appeal Filed:

U.S. Mag: Direct Indirect
~~American Cyanamid Company, movant for
 leave to intervene~~
~~Respondent per 2/26/82 opinion~~
~~Donald L. Morgan 828-3000~~
~~Mark N. Duvall~~
~~John D. McInerney~~
~~Cleary, Gottlieb, Steen & Hamilton~~
~~1250 Conn. Ave. N.W. 20036~~
~~Charles F. Lettow~~
~~1752 "N" St., N.W.~~

FINANCIAL

USA

IFP

USDC

RECEIPT

81-1687

REMARKS

81-1687

LR from Urych
RB INSTRUCT (9-26)
LR dated
9-30 from
Feldman
(to RB)

15-A/C BR
(12-20)

LR from Schiller
DF instrum
(7-11)

LR from Urych
RB INSTRUCT (10-11)

DATE	FILINGS — PROCEEDINGS
(E)06-22-81	4-Petitioners' petition for review of an order of the OSHC (m-19)
(E)06-22-81	Certified copy of petition for review was mailed to the OSHC & Exec. Sec.
(V)07-17-81	4-Motion of American Cyanamid Company for leave to participate as amicus curiae (m-17)
(V)07-20-81	4-Conditional motion of American Cyanamid Company for leave to intervene (m-20)
(C)07-29-81	4-Petitioners' motion to amend petition for review to add party (m-29)
(V)07-31-81	Certified Index to Record (n-4)
(V)08-07-81	Supplemental Certified Index to Record
(B)08-12-81	4-Petitioners' motion for leave to file memorandum two days out of time (m-29) (OK, RB)
(B)08-12-81	Clerk's order granting petitioners' motion for leave to file memorandum two days out of time
(B)08-12-81	4-Petitioners' memorandum in opposition to the lodged suggestion of lack of case or controversy (submitted by American Cyanamid Company) (m-29)
(V)08-18-81	4-Petitioners' motion to defer briefing schedule pending resolution of suggestion that petition be dismissed for lack of case or controversy (m-18)
(B)08-25-81	Clerk's order that petitioner's motion to defer briefing is granted and the time for filing petitioner's brief is extended for a period of thirty days after disposition of the pending suggestion, should that suggestion be denied.
(V)10-20-81	4-Respondent's statement of position as amicus curiae with respect to the suggestion of lack of case or controversy (m-20) (OK, RB)
(B)11-17-81	Per Curiam order that the Clerk is directed to file the suggestion of American Cyanamid Company of lack of case or controversy and all responses thereto; and that oral argument on the proper status of the Union, the Commission and the Secretary in this litigation is set on December 3, 1981, at 3:00 p.m. The four (4) parties to the matter before the Court will be allowed ten (10) minutes each for a total of forty (40) minutes; and that counsel may file, simultaneously, further memoranda on the questions presented by the papers. Such memoranda shall be filed with the Clerk by the close of business November 24, 1981, and consist of not more than ten (10) pages; Wald, Mikva and Edwards, CJ's
(B)11-17-81	4-American Cyanamid Company's suggestion of lack of case or controversy (m-17) - filed per above order
(B)11-17-81	4-Motion of American Cyanamid Company for extension of time to file reply (p-4) - filed per above order
(B)11-17-81	4-Reply of American Cyanamid Company to memorandum of petitioners in opposition to suggestion of lack of case or controversy (p-6) - filed per above order
(B)11-17-81	4-Response of American Cyanamid Company to statement of position by the Secretary of Labor (m-27) - filed per above order
(B)11-17-81	4-Response of American Cyanamid Company to petitioner's (OCAW) motion to amend petition for review to add party (p-6) - filed per above order
(C)11-24-81	4-Petitioners' supplemental memorandum in opposition to suggestion of lack of case or controversy (m-24)
(C)12-03-81	Argued before Wald, Mikva & Edwards, CJs on Company's motion for leave to participate as amicus curiae, conditional motion of ACC for leave to intervene, petitioners' motion to amend petition for review and suggestions by ACC of lack of case or controversy
(B)12-21-81	Per Curiam order that the Clerk is directed to lodge the letter from petitioners dated December 8, 1981; Wald, Mikva and Edwards, CJ's
(B)12-21-81	1-Letter from petitioners dated December 8, 1981 - LODGED PER ABOVE ORDER

**UNITED STATES COURT OF APPEALS
FOR THE
DISTRICT OF COLUMBIA CIRCUIT**

	81-1687	81-1687	
DATE	FILINGS — PROCEEDINGS		
(V)01-22-82	Letter from counsel for American Cyanamid Company advising of additional authorities pursuant to FRAP 28(j) (m-21)		
(S)02-26-82	Opinion per curiam		
(S)02-26-82	Per Curiam order that the company's motion to dismiss is denied and the union's motion to amend the caption is granted, in accordance with the opinion of this Court filed herein		
(V)03-10-82	4-Motion of American Cyanamid Company to defer briefing pending disposition of petition for certiorari (m-10)		
(V)03-12-82	Clerk's order that the motion of American Cyanamid Company to defer briefing is granted and the filing of briefs herein is deferred pending resolution by the Supreme Court of the petition for writ of certiorari to be filed on or before March 31, 1982. An appropriate motion to govern future course of this case shall be submitted by counsel within 20 days of final action by the Supreme Court.		
(B)04-06-82	Notification from Clerk, Supreme Court of the United States, that a petition for writ of certiorari was filed on March 26, 1982 in SC No. 81-1784		
(T)10-13-82	Certified copy of order from Clerk, Supreme Court denying petition for writ of certiorari in SC No. 81-1784 on 10-12-82		
(T)10-29-82	4-Joint motion to establish briefing schedule		
(V)11-03-82	Clerk's order that the joint motion to establish briefing schedule is granted and the briefing schedule is set as follows: 12/13/82 - Petitioners' initial brief and the appendix of the parties to be served and filed; 01/24/83 - Respondent's brief(s) to be served and filed; and 02/07/83 - Petitioners' reply brief, if any to be served and filed. No further enlargement of the briefing schedule will be granted by the Clerk		
(J)12-03-82	4-Petitioners' consent motion to extend time to file brief (m-3)		
(J)12-13-82	Petitioners' consent motion to extend time to file brief is withdrawn. Petitioners' brief being filed when due		
(J)12-15-82	4-Petitioners' consent motion for leave to defer appendix (m-13)		
(J)12-15-82	4-Petitioners' brief (m-13)		
(J)12-20-82	4-Motion of Coalition for the Reproductive Rights of Workers for leave to file brief as amicus curiae and for leave to participate in oral argument (m-14)		
(J)12-23-82	4-Respondent's opposition to motion of Coalition for the Reproductive Rights of Workers for leave to participate in oral argument (m-23)		
(B)12-29-82	Clerk's order that petitioners' motion for leave to defer appendix is granted to the extent requested in the motion i.e., the appendix will be filed 14 days after service of respondent's brief		
(C)01-11-83	Clerk's order that Coalition of the Reproductive Rights of Workers (CRROW) is granted leave to file a brief as amicus curiae. The motion for leave to participate in oral argument and the opposition shall be referred to the panel of this Court ultimately assigned to consider the case on the merits for disposition		
(C)01-11-83	15-Brief of Coalition for the Reproductive Rights of Workers as amicus curiae (m-14)		
(J)01-25-83	15-Respondent's brief (m-24)		
(C)01-26-83	4-Motion of Washington Legal Foundation for leave to file brief amicus curiae (m-24)		

SEE OVER

DATE	FILINGS — PROCEEDINGS
(V)02-01-83	Clerk's order granting motion of Washington Legal Foundation for leave to file brief amicus curiae
(V)02-01-83	15-Amicus Curiae's (WLF) brief (m-24)
(J)02-02-83	4-Petitioners' motion for leave to file out of time motion to extend time to file reply brief (m-2)
(V)02-08-83	Clerk's order that the Clerk is directed to file petitioners' motion for extension of time in which to file reply brief; and that petitioner's reply brief be filed by the close of business 02/15/83
(V)02-08-83	4-Petitioners' motion to extend time to file reply brief (m-2) - per above order
(J)02-08-83	25-Petitioners' brief (m-7)
(J)02-08-83	7-Joint appendix (m-7)
(B)02-17-83	15-Petitioners' reply brief (m-15)
(J)07-13-83	4-Letter dated 07-13-83 from counsel for amicus curiae (Coalition for Reproductive Rights of Workers) advising that their 01-11-83 motion to participate in oral argument is still before the Court (m-6)
(V)09-09-83	Clerk's order, sua sponte, that the following times are allotted for oral argument Petitioners - 20 minutes; Respondent - 20 minutes
(C)10-04-83	ARGUED BEFORE Bork*, Scalia, CJs and David W. Williams, Sr. Dist. Judge for the Central District of California; Counsel granted leave to lodge a copy of the Commission decision
(D)08-24-84	Opinion for the Court filed by Circuit Judge Bork.
(D)08-24-84	Judgment by this Court that the order of the Occupational Safety and Health Review Commission under review herein is hereby affirmed, in accordance with the Opinion for the Court filed herein this date.
(D)08-24-84	Mandate order.
(D)01-11-85	Mandate issued.

GENERAL DOCKET

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

		81-1687
DATE	FILINGS — PROCEEDINGS	
	<p>Coalition for the Reproductive Rights of Workers, movant for leave to file brief as amicus curiae:</p> <p>Elizabeth M. Schneider (201) 648-5687 Constitutional Litigation Clinic 15 Washington St., Rutgers Law School Newark, New Jersey 07102 Brooklyn Law School, (212) 625-2200 250 Joralemon St. Brooklyn, NY 11201</p> <p>Washington Legal Foundation, movant for leave to file brief amicus curiae:</p> <hr/> <p>Daniel J. Popeo 857-0240 Paul D. Kamenar Nicholas E. Calio Washington Legal Foundation 1612 K St., NW Suite 502 20006</p>	

DATE	FILINGS — PROCEEDINGS