

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

HOOKER CHEMICAL COMPANY,
RUCO DIVISION,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION II,

Respondent.

No. 79-2194

MOTION FOR EXTENSION OF TIME

Petitioner Hooker Chemical Company, Rucó Division ("Hooker"), respectfully moves this Court for an Order extending by seven (7) days, to and including December 24, 1979, the time within which Hooker must respond to the Motion to Dismiss filed by Respondent Environmental Protection Agency ("EPA"). In support of this motion Hooker states the following:

1. On August 30, 1979, Hooker filed a petition for review of a July 2, 1979 order of EPA Region II. On December 12, 1979, EPA filed a motion with this Court to dismiss Hooker's petition for review. Service of EPA's motion to dismiss was made by U.S. mail, deposited on December 6, 1979. Under Rules 26(a), 26(c) and 27(a) of the Federal Rules of Appellate Procedure, Hooker must file any response to EPA's motion to dismiss by December 17, 1979.

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2. A petition for review of a similar order of EPA Region II was filed by Tenneco Chemicals, Inc. ("Tenneco") with the United States Court of Appeals for the Second Circuit on August 30, 1979. Tenneco's petition for review has been transferred to this Court (No. 79-2567), but has not been consolidated with Hooker's petition. EPA's motion to dismiss Hooker's petition for review also seeks dismissal of Tenneco's petition, and EPA's motion states that "the orders underlying [both] petitions for review . . . and the circumstances leading to the filing of [EPA's] motion to dismiss are essentially identical"

3. Hooker currently intends to oppose strongly EPA's motion to dismiss. An extension of one week is necessary to permit counsel for Hooker to coordinate their efforts with counsel for Tenneco, and to allow Hooker to respond fully to the issues raised in EPA's motion in a way which will be most helpful to the Court.

4. Counsel for the Justice Department, representing EPA, has authorized the undersigned counsel to state that the Justice Department consents to the requested extension of time.

WHEREFORE, Hooker respectfully moves this Court for an Order extending the time within which Hooker may file its response to EPA's motion to dismiss, to and including December 24, 1979.

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