

UNITED STATES DISTRICT COURT
FOR
THE NORTHERN DISTRICT OF WEST VIRGINIA

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BARBARA CANTWELL CHRISTMAN,
et al.,

Plaintiffs,

v.

AMERICAN CYANAMID COMPANY,

Defendant.

Civil Action
No. 80-0024-P

THOMAS R. LEE, JR.,

DEFENDANT AMERICAN CYANAMID COMPANY'S
RESPONSE TO PLAINTIFFS' SUGGESTION
THAT THE CASE SHOULD BE REASSIGNED
TO JUDGE HADEN

The attorneys for plaintiffs in this case have written a letter to Judge Haden, dated April 14, 1980, in which they express their surprise at the assignment of this matter to your honor and request Judge Haden to assume responsibility for the case. This action was filed in the clerk's office in Parkersburg and the plaintiffs apparently contemplated that the case would be assigned to Judge Haden. As you are no doubt aware, Judge Haden has a policy of recusal from all matters in which the West Virginia firm of Steptoe & Johnson is counsel, since his brother is a partner in that firm. Accordingly, when this firm entered an appearance for defendant, American Cyanamid Company, the clerk's office assigned ^{1/} the case to your honor.

Inasmuch as your honor is not only the judge assigned to this case, but also the chief judge of this district, we

^{1/} We do not know whether Judge Haden was ever actually assigned to the case, but there is no indication in the record that he has ever taken any action in the matter. We understand that the assignment was based on his standing policy and not on a specific order by Judge Haden.

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IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF WEST VIRGINIA

BARBARA CANTWELL CHRISTMAN,
et als.,

Plaintiffs,

v.

// Civil Action No. 80-0024-P

AMERICAN CYANAMID COMPANY,

Defendant

AFFIDAVIT OF WILLIS O SHAY

STATE OF WEST VIRGINIA
COUNTY OF HARRISON, TO-WIT:

Before me, the undersigned authority, this day
personally appeared Willis O Shay, and being first duly sworn,
on oath, deposes and says:

1. I, Willis O Shay, am a member of the Bar of the
State of West Virginia, and a partner in the firm of Steptoe &
Johnson, Clarksburg, West Virginia.

2. Our firm is local counsel for defendant American
Cyanamid in the above case.

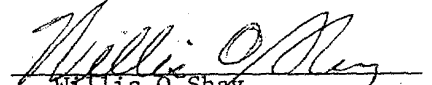
3. Our firm has served as local counsel for American
Cyanamid for over three years.

4. We have represented American Cyanamid in the
following cases:

- (a) American Cyanamid v. Blount Brothers, Inc.
- (b) Corps of Engineers - Willow Island
condemnation
- (c) American Cyanamid v. Dow Chemical Co.
- (d) The above case.

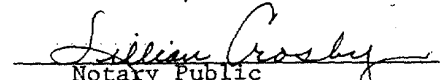
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5. Our firm regularly serves as co-counsel in West Virginia litigation with other out-of-state law firms. While we often serve as co-counsel with the Washington office of Steptoe & Johnson, we also have enjoyed similar relationships with many Washington, D. C. firms, including Cleary, Gottlieb, Steen & Hamilton.


Willis O. Shay

Taken, subscribed and sworn to before me this
12th day of May, 1980.

My Commission expires: Oct. 28, 1984


Notary Public