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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:	)	
	)	
Health Care Products, Inc.	)	FIFRA Docket No. 93-H-02F
	)	
Respondent	)	
In the Matter of:	)	
	)	
Celltech Media, Inc.	)	FIFRA Docket No. 95-H-04
	)	
Respondent	)	
	)	
In the Matter of:	)	
	)	
Health Care Products, Inc.	)	I.F.& R. Docket No. VIII-90-279C
	)	
Respondent	)	
	)	
In the Matter of:	)	
	)	FIFRA Docket No. 656[1]
Health Care Products, Inc.,	)	
	)	
Petitioner	)	

ORDER APPROVING MOTION RESPONSE SCHEDULE

On November 21, 1995, the parties submitted a joint letter agreeing on times to respond to certain outstanding motions. Since the parties are in agreement and the motion response schedule appears reasonable, it will be approved. Accordingly, the following motions response times are hereby set:[2]

November 30, 1995 EPA is to file and dispatch via Federal

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[1] This cancellation case is not consolidated with the three enforcement proceedings listed in the caption, but all four cases are included since this order applies to all of these actions.

[2] Three items were contained in the schedule set out in the joint letter but the third item involved a prospective future filing and need not be covered herein. That filing will be dealt with when and if it is submitted.

Moreover, the other portions of the procedural schedules adopted in the September 22, 1995 orders issued in these proceedings remain in effect.

Express or overnight mail a response to HCP's Motion Pursuant to 7 U.S.C. § 1361(a)(3), 40 C.F.R. § 22.19(d) and 40 C.F.R. § 22.35(b).

December 1, 1995 — HCP is to dispatch via Federal Express or overnight mail for service and filing a response to EPA's Motion for Leave to File Addendum to October 23, 1995 Motion to Recaption Actions and to Require Petitioner/Respondent to Provide Complete and Accurate Information on Its Name and Legal Representation.

Further, certain other matters warrant comment in this order. First, the November 14, 1995 order specifically mentioned that proposals for a further motions response schedule should be made in appropriate motion form, as provided for in Section 22.16 of the EPA Rules of Practice (Rules), 40 C.F.R. § 22.16. It also pointed out that, if there is agreement between the parties, a joint motion may be submitted. Without explanation, the parties elected to proceed by letter rather than by motion.

Also, the November 14, 1995 order noted that letter pleadings are not provided for in the Rules and are not favored. While the letter pleading involved herein (the joint letter) did not request action by the Presiding Judge, it purported to set the motions response schedule, rather than requesting that it be set or approved. Since it is the responsibility of the Presiding Judge to control the orderly conduct of the proceeding, it is his sole responsibility to set procedural schedules herein. Pleadings which are filed beyond the time limits set in the Rules and which have not been submitted pursuant to a schedule approved by the Presiding Judge, are unauthorized pleadings and have no standing for decisional purposes.

In light of the agreement of the parties and the reasonableness of the response times, the letter pleading by the parties will be accepted in this instance. However, any future letter pleadings will be summarily rejected, unless strong good cause can be established for proceeding by letter rather than by appropriate action under the Rules.

SO ORDERED.[3]

Daniel M. Head
Administrative Law Judge

Dated: November 28, 1995

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[3] In view of time limitations, this order is being served by both facsimile process and certified mail.