

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff, :

-v- :

MEMORANDUM & ORDER

INTERNATIONAL BROTHERHOOD OF :

88 CIV. 4486 (DNE)

TEAMSTERS, CHAUFFEURS, :

WAREHOUSEMEN AND HELPERS OF :

AMERICA, AFL-CIO, et al., :

Defendants. :

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EDELSTEIN, District Judge:

WHEREAS the Investigations Officer has filed disciplinary charges against Mr. Barry Feinstein, an IBT member and officer, and a hearing on these charges is scheduled before the Independent Administrator for December 15, 1992; and

WHEREAS on December 10, 1992, Mr. Feinstein's counsel, Mr. Paul Curran, made an oral motion before the Independent Administrator seeking the recusal of the Independent Administrator; and

WHEREAS the Independent Administrator denied the motion orally; and

WHEREAS on December 11, 1992, Mr. Feinstein submitted an application to this Court seeking the recusal of the Independent Administrator; and

WHEREAS Section K of the Consent Decree permits the parties or the Independent Administrator to present applications to the Court; and

WHEREAS Mr. Feinstein is not entitled to make an application to the Court under Section K of the Consent Decree; and

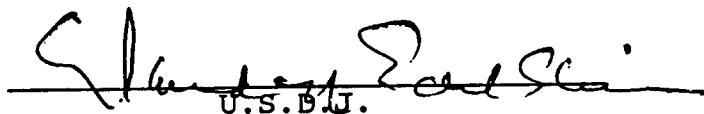
WHEREAS Mr. Feinstein has not articulated an appropriate basis for granting expedited relief; and

WHEREAS Mr. Feinstein may still raise his recusal argument before this Court should he appeal the post-hearing decision of the Independent Administrator, see Consent Decree, §F.12(A);

IT IS HEREBY ORDERED that Mr. Feinstein's application seeking recusal of the Independent Administrator is denied.

SO ORDERED

DATED: December 11, 1992
New York, New York


U.S. B.J.