



Issue Date: 27 January 2005

**CASE NOS.: 2004-CAA-4
2004-CAA-10
2005-CAA-6**

IN THE MATTER OF

**CATHERINE A. FOX,
Complainant**

v.

**U.S. ENVIRONMENTAL PROTECTION AGENCY
U.S. ENVIRONMENTAL PROTECTION AGENCY, OIG
U.S. ARMY,
Respondents**

**ORDER DENYING COMPLAINANT'S SECOND
MOTION FOR PARTIAL SUMMARY JUDGEMENT**

Background

By motion filed January 3, 2005, Complainant seeks a partial summary judgment against Respondents on the grounds that she has been deprived of due process of law, denied a fair hearing and effective right of counsel causing her to incur significant additional legal fees. Respondents have replied, each denying any part in the removal of Complainant's first counsel as well as denying the fact that Complainant has suffered a deprivation of her rights as a result thereof.

DISCUSSION

An Order issued on April 5, 2004, removing Complainant's then counsel, Edward A. Slavin, Jr., from appearing in this matter. The Respondents played no role in that order. The order was issued *sua sponte*, and was brought about in compliance with a previous order disqualifying Mr. Slavin from appearing in any

representative capacity before the United States Department of Labor, Office of Administrative Law Judges. In addition to the removal, however, the April 5, 2004, order offered Complainant additional time to employ new counsel, which she did. Likewise, ample time has also since been provided Complainant and her new counsel to complete discovery and prepare her case for trial. As far as expenses incurred by Complainant with her counsel, should she meet with success in her claim, the recovery of such costs can then be sought as a measure of Complainant's damages.

ORDER

Complainant's Second Motion for Partial Summary Judgment is **DENIED**.

So ORDERED this 27th day of January, 2005, in Metairie, Louisiana.

A

C. RICHARD AVERY
Administrative Law Judge

CRA:bbd