

Appeal Will Hit At I-40 Creeping Closer To Park

Mrs. Sunshine K. Snyder, one of the original plaintiffs in the Overton Park expressway case, filed notice in United States District Court here yesterday that she will appeal a June 24 ruling allowing completion of Interstate 40 to within 1.7 miles of the park.

J. A. Hadley of the J. A. Hadley Construction Co. of Humboldt, Tenn., which has been contracted to build the expressway leg, said the company has not yet begun work because of rainy weather. It intends to start "in a few days," weather permitting, Mr. Hadley said.

The cost of the section is \$2,699,630.60.

Mrs. Snyder's attorneys, Michael R. Lackner of Memphis and Paul Henry Kidd of Monroe, La., said they will appeal to the United States Sixth Circuit Court of Appeals in Cincinnati. They are seeking to overturn Dist. Judge Bailey Brown's denial of an injunction to halt work on the four-mile stretch of Interstate 40 from Bon Air to White States Road.

Judge Brown had also ruled June 24 that the National Environmental Protection Act could not be applied retroactively to the park suit. In doing so he denied the plaintiffs' motion that they be allowed to be allowed to amend their original complaint by charging violation of the act.

Mrs. Snyder filed a petition Monday asking Judge Brown to qualify the June 24 ruling on the environment law, stating whether it was intended as a final or intermediate judgment. If the judgment were final, said Mr. Lackner, the plaintiffs would be allowed to appeal that issue to the court of appeals, long with the issue of completion of the Bon Air-to-White Station segment.

"What we are hoping for," said Mr. Lackner, "is a clean, early solution to the case." He said that if the appeals court decides the issues included in Mrs. Snyder's petitions, Judge Brown will not be faced with those questions at some later date.

The judge has set a full court hearing on a remand order from the United States Supreme Court for Sept. 27.

CA.

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