

UNITED STATES OF AMERICA  
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR, )  
)  
Complainant )  
)  
v. ) Docket No. 08-1104  
)  
IMPERIAL SUGAR COMPANY; )  
IMPERIAL-SAVANNAH, L.P. )  
)  
Respondents. )  
\_\_\_\_\_)

**RESPONDENTS' MOTION TO FILE REPLY BRIEFING  
IN SUPPORT OF RESPONDENTS' MOTION TO DISMISS AND  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to 29 C.F.R. § 2200.40(a) and other applicable law, Respondents Imperial Sugar Company and Imperial-Savannah, L.P. (collectively "Imperial") hereby respectfully move the Commission for leave to file reply briefing in support of Respondents' Motion to Dismiss and Motion for Partial Summary Judgment on or before Friday, March 6, 2009. In support of the instant Motion, Respondents state as follows:

1. Respondents filed a Motion to Dismiss and Motion for Partial Summary Judgment with the Commission on January 27, 2009.
2. Complainant's Responses to Respondents' Motion to Dismiss and Motion for Partial Summary Judgment were originally due on or before February 10, 2009.
3. In lieu of the standard response deadline, Complainant moved for additional time, seeking thirty (30) days to respond to Respondents' Motions. Respondents did not oppose Complainant's motion for additional time to respond, and the Commission granted Complainant's motion.

4. Complainant's Responses to Respondents' Motion to Dismiss and Motion for Summary Judgment are now due on or before Friday, February 27, 2009.

5. Given the importance of the legal issues presented in Respondents' Motion to Dismiss and Motion for Partial Summary Judgment, Respondents request an opportunity to file Reply briefs in response to each of Complainant's Responses, and intend to do so within five (5) business days following the submission of Complainant's Responses, on or before March 6, 2009. Each Reply brief shall not exceed five (5) pages.

6. Pursuant to 29 C.F.R. § 2200.40(a), counsel for Respondents consulted with Complainant's counsel regarding this Motion. Complainant's counsel has indicated that Complainant opposes Respondents' request to file Reply briefs.

WHEREFORE, Respondents respectfully request that the Commission grant their Motion to File Reply Briefing in Support of Respondents' Motion to Dismiss and Motion for Partial Summary Judgment on or before Friday, March 6, 2009.

Respectfully submitted this 26<sup>th</sup> day of February 2009.

/s/ Charles H. Morgan  
Charles H. Morgan  
charlie.morgan@alston.com  
Matthew J. Gilligan  
matt.gilligan@alston.com  
Ashley D. Brightwell  
ashley.brightwell@alston.com  
Jeremy D. Tucker  
jeremy.tucker@alston.com  
ALSTON & BIRD LLP  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424  
(404) 881-7000  
FAX: (404) 253-8757

Attorneys for Respondents

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**ORDER PERMITTING REPLY BRIEFING (Proposed)**

For good cause shown, the Respondents' Motion to File Reply Briefing in Support of Respondents' Motion to Dismiss and Motion for Partial Summary Judgment is hereby GRANTED. The Respondents shall have until Friday, March 6, 2009, to file Reply briefs in support of said Motions, with each Reply brief not to exceed five (5) pages.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
The Honorable Covette Rooney  
U.S. OSHRC Judge

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IMPERIAL-SAVANNAH, L.P.	)	
	)	
Respondents.	)	
_____	)	

**CERTIFICATE OF SERVICE**

I certify that all parties have consented that all papers required to be served in this action may be served and filed electronically. I further certify that a copy of RESPONDENTS' MOTION TO FILE REPLY BRIEFS IN SUPPORT OF RESPONDENTS' MOTION TO DISMISS AND MOTION FOR PARTIAL SUMMARY JUDGMENT and PROPOSED ORDER were electronically served on February 26<sup>th</sup>, 2009 on the following counsel for Complainant:

Karen E. Mock  
Mock.Karen@dol.gov  
Angela F. Donaldson  
Donaldson.Angela@dol.gov  
Office of the Solicitor  
U.S. Department of Labor  
61 Forsyth Street S.W.  
Room 7T10  
Atlanta, Georgia 30303

*/s/ Charles H. Morgan*  
Charles H. Morgan  
Alston & Bird LLP  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424  
charlie.morgan@alston.com