

Secretary of Labor v. Wal-Mart Stores, Inc.
OSHRC Docket No. 09-1013
SECRETARY'S POST-TRIAL BRIEF

Judge Rooney

APPENDIX C
Chart of Video Footage from Blitz Day 2008
Filed Electronically on October 26, 2010

APPENDIX C

Video Footage of 2008 Blitz Day Store Opening

The following ten video clips illustrate the struck by and asphyxiation hazards present at the Store as the crowds entered the Store on Blitz Day 2008.¹

Sec. Ex.	Counter No.	Source	Location	Description
25	(from 0:00 to 4:00)	Employee A. Dancey	Clip begins inside the vestibule, facing the front doors as they are first opened, and then changes position to show the vestibule from inside the Store.	Shows the crowd entering the Store at the time of the opening, and employees being exposed to hazards of asphyxiation or being struck by doors or customers as employees struggle to open the front doors and a large crowd rushes into the Store.
28c	video 146 (1:46 minutes total)	Employee K. Boyce	Clip shows the crowd entering the Store, from inside the Store near the vestibule	Illustrates employee exposure to struck by or asphyxiation hazards presented by doors and customers during the initial crowd entry into the Store on Blitz Day 2008.
143a	video 1 (0:20 seconds total)	Employee M. Griffith	Clip shows the crowd entering the Store, from inside the vestibule from an elevated viewpoint.	Illustrates employee exposure to struck by or asphyxiation hazards presented by doors and customers during the initial crowd entry into the Store on Blitz Day 2008. One of the vestibule front doors is visible in the air, off its hinges and posing a struck by hazard to employees.

¹ All of these video clips were shown, at least in part, during the hearing in this case. For longer videos, the Secretary has included specific counter designations to direct the court's attention to the relevant portions.

143b	video 2 (0:20 seconds total)	Employee M. Griffith	Clip shows the crowd entering the Store, from inside the vestibule from an elevated viewpoint.	Illustrates employee exposure to struck by or asphyxiation hazards presented by doors and customers during the initial crowd entry into the Store on Blitz Day 2008.
31b	video 45927 (0:10 seconds total)	Employee E. Sanders	Clip shows the initial crowd entry when the doors opened, from inside the vestibule.	Illustrates employee exposure to struck by or asphyxiation hazards presented by doors and customers during the initial crowd entry into the Store on Blitz Day 2008. Shows employees positioned to hold the vestibule doors as customers rush into the vestibule.
31c	video 45957 (0:10 seconds total)	Employee E. Sanders	Clip shows the crowd entering, from inside the vestibule.	Illustrates employee exposure to struck by or asphyxiation hazards presented by doors and customers during the initial crowd entry into the Store on Blitz Day 2008. Shows the Store doors off the hinges, posing a hazard to employees.
31g	video 50552 (0:10 seconds total)	Employee E. Sanders	Clip shows the crowd pushing in the vestibule as they enter, from inside the vestibule.	Illustrates employee exposure to struck by or asphyxiation hazards presented by doors and customers during the initial crowd entry into the Store on Blitz Day 2008.
35a	04[1].44.56_06.44.59 video (from 04:59 to 05:09)	Respondent's security camera surveillance videos	Clip shows the vestibule from an elevated camera inside the store.	Demonstrates the exposure of employees to struck by and asphyxiation hazards due to crowd crush, crowd surge and crowd trampling as customers entered the Store on Blitz Day 2008. This ten-minute clip illustrates that the cited crowd-related hazards did not present an isolated or brief hazard to employees; these hazards existed for a significant length of time as the large crowd continued to enter the Store.
35b	04.54.51_05.54.59 video (from 05:01 to 05:05)	Respondent's security camera surveillance	Clip shows the vestibule from a camera inside the vestibule.	Demonstrates the exposure of employees to struck by and asphyxiation hazards due to crowd crush, crowd surge and crowd trampling as customers entered the Store on Blitz Day 2008.

		videos		
34a	ES301/Group 1 Camera 1 video (from 04:59 to 05:01)	Respondent's security camera surveillance videos	Clip shows the outside of the store along the northeast side of the store, facing the main entrance doors into the vestibule.	Demonstrates the exposure of employees to struck by and asphyxiation hazards due to crowd crush, crowd surge and crowd trampling as customers entered the Store on Blitz Day 2008.