United States of America

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

|  |  |
| --- | --- |
| SECRETARY OF LABOR,Complainant, |  |
|  |
| v. | Docket No. Click or tap here to enter text |
| Click or tap here to enter text,Respondent. |  |

**PRETRIAL ORDER**

1.

There are no motions or other matters pending for consideration by the court except as noted. Click or tap here to enter text.

2.

Unless otherwise noted, the names of the parties as shown in the caption to this Order and the capacity in which they appear are correct and complete. Click or tap here to enter text.

3.

Unless otherwise noted, there is no question as to the jurisdiction of the court. Click or tap here to enter text.

4.

The following attorneys or non-attorney representatives are lead counsel for the parties:

Complainant: Click or tap here to enter text.

Respondent: Click or tap here to enter text.

5.

Normally, the Complainant has the right to start opening statements and finish closing arguments. State the reasons, if any, why this should be changed. Click or tap here to enter text.

6.

State whether there is any pending related litigation. Describe briefly, including parties and the docket number. Click or tap here to enter text.

7.

The legal issues to be tried are as follows: Click or tap here to enter text

8.

Attached hereto as Attachment “A” are each parties’ outline of the case, which includes a succinct factual summary of their case, and which shall be neither argumentative nor recite evidence. All relevant rules, regulations, statutes, ordinances, and illustrative case law creating a specific legal duty relied upon by Complainant shall be listed under a separate heading. All relevant rules, regulations, statutes, ordinances, and illustrative case law relied upon as creating a defense shall be listed under a separate heading.

9.

Attached hereto as Attachment “B” are the facts stipulated by the parties. No further evidence will be required as to the facts contained in the stipulation and the stipulation may be moved into evidence at the beginning of the trial or at such other time as is appropriate in the trial of the case. It is the duty of counsel to cooperate fully with each other to identify all undisputed facts. A refusal to do so may result in the imposition of sanctions upon the noncooperating counsel.

10.

Attached hereto as Attachments “C" are any trial briefs which counsel may wish to file containing citations to legal authority concerning evidentiary questions and any other legal issues which counsel anticipate will arise during the trial of the case. The parties will still be required to file post-trial briefs.

11.

Attached hereto as Attachments “D" are any designated portions of testimony that may be introduced by deposition. *However, even if the parties consent to the use of a deposition to present testimony, the court will not permit such use unless the proponent first establishes by a properly supported motion filed at least 30 days before trial that the deposition meets all the requirements of Federal Rule 32(a).* Any objections to the designated deposition testimony shall be listed under a separate heading.

12.

 Lead counsel and persons possessing settlement authority to bind the parties met on Click or tap to enter a date., to discuss in good faith the possibility of settlement of this case. There is: [ ]  A good possibility of settlement; [ ]  Some possibility of settlement; [ ]  Little possibility of settlement; or [ ]  No possibility of settlement.

13.

The parties estimate that it will require Click or tap here to enter text. days to present each side’s case. The parties estimate the total number trial days will be Click or tap here to enter text. days. The parties [ ]  do [ ]  do not require an interpreter from (Click or tap here to enter text.) (language) to English. Subject to the availability of funds, the Court will secure Language Access Services required for any parties and/or witnesses if the parties file a joint stipulation at least **14** days before trial indicating the specific type of services needed. If requested and funds are not available, the cost of Language Access Services shall be apportioned among the parties.

14.

Each of the undersigned counsel for the parties hereby consents to entry of the foregoing pretrial order, which has been prepared in accordance with the form pretrial order adopted by this court.

|  |  |
| --- | --- |
| /s/ Click or tap here to enter text. | /s/ Click or tap here to enter text. |
| Counsel for Complainant | Counsel for Respondent |

15.

**IT IS HEREBY ORDERED** that the above constitutes the pretrial order for the above captioned case submitted by stipulation of the parties.

**IT IS FURTHER ORDERED** that the foregoing, including the attachments thereto, constitutes the pretrial order in the above case and that it supersedes the pleadings, which are hereby amended to conform hereto.

**IT IS FURTHER ORDERED** that this pretrial order shall not be amended except by Order of the court to prevent manifest injustice. Any attempt to reserve a right to amend or add to any part of the pretrial order after the pretrial order has been filed shall be invalid and of no effect and shall not be binding upon any party or the court, unless specifically authorized in writing by the court.

**SO ORDERED**.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Judge John B. Gatto**

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Atlanta, GA

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the Order was sent to the parties listed below [x]  electronically using the Commission’s E-Filing System [ ]  by first class mail on February 29, 2024.

OSHRC Docket No. [Docket#]

**For the Secretary:**

Select Associate or Regional Solicitor

Attn: Enter Name of Trial Solicitor, Esq.

Email: Enter Trial Solicitor’s Email address

Email: Enter Regional Office Docket Email address

**For the Employer:**

Enter Rep’s Name and Address

Email: Enter Rep’s Email address

/s/Enter Judge’s Legal Assistant’s Name

Enter Judge’s Legal Assistant’s Name, Legal Asst.

Post Office Address:

Judge John B. Gatto

Sam Nunn Atlanta Federal Center

100 Alabama St. S.W

Building 1924 Room 2R90

Atlanta, GA 30303-3104
Phone: (404) 562-1640

Email: Enter Judge’s Legal Assistant’s Email