



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1120 20th Street, N.W., Ninth Floor
Washington, DC 20036-3457

SECRETARY OF LABOR,

Complainant,

v.

**IMPERIAL SUGAR COMPANY AND
IMPERIAL - SAVANNAH, L.P.,**

Respondents,

OSHRC DOCKET NO. 08-1104

**NOTICE OF INITIAL PRETRIAL CONFERENCE AND ORDER FOR PARTIES TO
CONFER AND SUBMIT PLANNING RECOMMENDATIONS**

Counsel for the parties in the instant matter are hereby notified that on **Thursday, January 29, 2009, at 3:00 p.m. (EST)**, the undersigned will hold via telephonic conference call an initial pretrial conference. Prior to that call and pursuant to 5 U.S.C. § 556 and Commission Rules of Procedure 51 and 67, 29 C.F.R. § § 2200.51 and .67, the parties are directed to confer with one another, and on or before **Friday, January 23, 2009**, jointly submit¹ a statement of disputed issues and recommendations for time limits on the following activities.²

- A.* A proposed date for the hearing of this matter and the number of days needed to complete the hearing.
- B.* The date(s) by which the parties must submit in writing the names, organizational

¹ Should the parties be unable to agree to dates for these events, they shall submit individual recommendations along with a certification that after reasonable efforts, they could not reach agreement.

² Throughout these orders, dates established for submission of pleadings and all other documents are the dates by which the materials must be **received** by the opposing party and the office of the administrative law judge.

affiliations and subject matter areas of expertise of expert witnesses it may call at the hearing. The date(s) by which Reports prepared by the expert witnesses shall be completed and delivered to counsel who retained the expert(s), and exchanged with opposing counsel.³

C. The date by which all discovery is to be completed. This statement should incorporate the nature of the discovery each party intends to take as well as the sequencing of all discovery events, the number of interrogatories each party anticipates it will serve on the opposing party (a written stipulation with explanation is encouraged if the number exceeds 25), and the number of depositions each party intends to notice (a written stipulation with explanation is encouraged if the number exceeds 10).

D. The date on or before which motions to amend pleadings shall be received by the administrative law judge and served on all parties.

E. The date on or before which dispositive or partially dispositive pre-hearing motions, including summary judgment motions, shall be received by the administrative law judge and served on all parties.

F. The date by which responses to dispositive or partially dispositive pre-hearing motions shall be received by the administrative law judge and served on all parties (no later than 20 working days prior to trial).

G. The date by which pre-hearing statements shall be received by the administrative law judge and served on all parties (at least 10 working days prior to trial) .

H. Any other time limits or deadlines the parties suggest as appropriate or necessary for the efficient management of the pre-trial and hearing activities.

The Commissions Rules of Procedure permit filing and service of pleadings and documents by

³ This disclosure shall be accompanied by a mandatory written report prepared and signed by the witness. The report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefor; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years; the compensation to be paid for the study and testimony; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

electronic means at washdcoshrcjudges@oshrc.gov. The pertinent rules are Rule 7(c), 29 C.F.R. § 2200.7(c) (Service and notice - How accomplished) and Rule 8(g), 29 C.F.R. § 2200.8(g) (Filing - Electronic filing). **The parties are to determine whether they will electronically file and serve**, and then consult the agency website at http://www.oshrc.gov/publications/instructions_elec_filing.html for instructions for electronic filing.

Dated: 1/12/09
Washington, DC.


COVETTE ROONEY
Judge, OSHRC


CERTIFICATE OF SERVICE

This is to certify that a copy of the Order was mailed to the parties listed below by first class mail on January 12, 2009.

08-1104

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