

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,	)	OSHRC DOCKET NO.
	)	
Complainant,	)	08-1104
	)	
v.	)	REGION IV
	)	
IMPERIAL SUGAR COMPANY,	)	
IMPERIAL-SAVANNAH, L.P.,	)	
	)	
Respondents.	)	

**COMPLAINANT’S UNOPPOSED MOTION FOR EXTENSION OF TIME  
IN WHICH TO RESPOND TO RESPONDENTS’ MOTION TO DISMISS AND  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Complainant, Secretary of Labor, hereby moves the Occupational Safety and Health Review Commission (“Commission”) for an extension of 20 calendar days until Friday, February 27, 2009, in which to respond to Respondents’ Motion to Dismiss and Motion for Partial Summary Judgment, which were filed on January 27, 2009. Counsel for Complainant conferred with counsel for Respondents regarding this request, and Respondents stated that they do not oppose this Motion.

In its Motions, which are potentially dispositive of Citation 2, Items 4 through 15 (12 “egregious” “willful” Citations), Citation 1, Item 5(b) (a “serious” Citation), and Citation 2, Item 2(a) (a “willful” Citation), Respondents raise various procedural and substantive issues, and Complainant anticipates requiring additional time to adequately respond to same. Complainant further notes that Respondents filed a Motion to Consolidate on January 26, 2009, to which Complainant will respond by Monday, February 9, 2009.

Pursuant to Commission Rule 2200.40(c), Complainant's responses to the Motions appear to be due within 10 working days, or by Tuesday, February 10, 2009. For all of the above reasons, Complainant herein requests that the Commission grant an extension through Friday, February 27, 2009, for Complainant to respond to Respondents' Motion to Dismiss and Motion for Partial Summary Judgment, which would render the responses due approximately 30 days from the date Respondents filed their Motions. As noted above, Complainant's Motion is unopposed by Respondents.

Respectfully submitted, this 29<sup>th</sup> day of January, 2009.

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SOL Case No. 08-60093

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**CERTIFICATE OF SERVICE**

I certify that all parties have consented that all papers required to be served may be served and filed electronically. I further certify that a copy of the Complainant's Unopposed Motion for Extension of Time in Which to Respond to Respondent's Motion to Dismiss and Motion for Partial Summary Judgment was electronically served on January 29, 2009 on the following parties:

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