

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.)	
<hr/>		

**RESPONDENTS' MOTION (1) FOR TELEPHONIC ORAL ARGUMENT AND (2) TO
FILE A REPLY BRIEF REGARDING RESPONDENTS' MOTION
TO DEPOSE OSHA COMPLIANCE OFFICERS**

1. Pursuant to 29 C.F.R. § 2200.40(a) and other applicable law, Respondents Imperial Sugar Company and Imperial-Savannah, L.P. (collectively "Imperial") respectfully move the Commission for (1) oral argument by telephone regarding Respondents' Motion to Depose OSHA Compliance Officers; and (2) leave to file a reply brief in support of Respondents' Motion to Depose OSHA Compliance Officers.

2. Complainant does not oppose telephonic oral argument. Complainant does oppose Imperial's request for leave to file a reply brief, but will not be filing a formal response in opposition.

3. Regarding telephonic oral argument, Respondent believes that a short call between the parties before the Commission will be helpful in resolving this Motion.

4. Regarding a reply brief, Imperial similarly believes that a short reply brief will be helpful in resolving this Motion. Respondent submits that any such reply brief (1) will be limited to 5 pages and will be filed on or before Friday, March 27, 2009; (2) will be limited to a reply to Complainant's arguments; (3) will address the precise paragraph of Complainant's

response to which a reply is being made; and (4) will not make any statement or argument that advances any new grounds for relief, supplements any ground for relief, or repeats arguments set forth in the initial motion.

WHEREFORE, Respondents respectfully request that the Commission grant their Motion (1) for Telephonic Oral Argument and (2) to File a Reply Brief Regarding Respondents' Motion to Depose OSHA Compliance Officers.

Respectfully submitted this 19th day of March 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

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

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

ORDER PERMITTING ORAL ARGUMENT AND REPLY BRIEF (Proposed)

For good cause shown, the Respondents’ Motion (1) for Telephonic Oral Argument and (2) to File a Reply Brief Regarding Respondents’ Motion to Depose OSHA Compliance Officers is hereby GRANTED. A telephonic conference limited to 30 minutes will be held on _____, 2009. Complainant and Respondent shall be limited to 15 minutes each to present their arguments. The Respondents shall have until Friday, March 29, 2009, to file a Reply in support of said Motion, said reply brief (1) will be limited to 5 pages; (2) will be limited to a reply to Complainant’s arguments; (3) will address the precise paragraph of Complainant’s response to which a reply is being made; and (4) will not make any statement or argument that advances any new grounds for relief, supplements any ground for relief, or repeats arguments set forth in the initial motion.

SO ORDERED this ____ day of _____, 2009.

The Honorable Covette Rooney
U.S. OSHRC Judge

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.)
_____)

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 (1) FOR TELEPHONIC ORAL ARGUMENT AND (2) TO FILE A REPLY BRIEF REGARDING RESPONDENTS' MOTION TO DEPOSE OSHA COMPLIANCE OFFICERS were electronically served on March 19th, 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