

UNITED STATES OF AMERICA  
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

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

**RESPONDENT’S NOTICE OF FILING PROOF OF SERVICE OF SUBPOENA**

Pursuant to 29 C.F.R. § 2200.52(l), Respondent Imperial-Savannah, L.P. respectfully files the attached proof of service of subpoena and notice of deposition, served upon Graham H. Graham on April 1, 2009.

Respectfully submitted this 28<sup>th</sup> day of April, 2009.

*/s/ Charles H. Morgan*  
Charles H. Morgan  
charlie.morgan@alston.com  
Matthew J. Gilligan  
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Ashley D. Brightwell  
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ALSTON & BIRD LLP  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424  
(404) 881-7000  
(404) 253-8757

Attorneys for Respondents

UNITED STATES OF AMERICA  
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

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**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 RESPONDENT’S NOTICE OF FILING PROOF OF SERVICE OF SUBPOENA was electronically served on April 28, 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

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OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR, )  
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IMPERIAL SUGAR COMPANY; )  
IMPERIAL-SAVANNAH, L.P., )  
)  
Respondents. )  
\_\_\_\_\_ )

Docket No. 08-1104

**NOTICE OF DEPOSITION OF GRAHAM H. GRAHAM**

TO: Philip H. Hilder  
Hilder & Associates, P.C.  
819 Lovett Boulevard  
Houston, Texas 77006-3905

You are hereby notified that, pursuant to 29 C.F.R. § 2200.56 and Fed. R. Civ. P. 30 and 45, Respondents Imperial Sugar Company and Imperial-Savannah, L.P. will take the deposition upon oral examination of Graham H. Graham at the offices of Baker Botts, LLP, One Shell Plaza, 910 Louisiana Street, Houston, TX 77056, commencing at 9:00 a.m. on Thursday, April 30, 2009, and continuing on May 1, 2009. The deposition will be taken before an officer authorized by law to administer oaths, and will be conducted pursuant to the provisions of the Rules of Procedure of the Occupational Safety and Health Review Commission and the Federal Rules of Civil Procedure for the purpose of discovery, use as evidence at trial, and any other purposes allowed by law. The deposition will be recorded by stenographic means and by videotape.

Respectfully submitted this 30<sup>th</sup> 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

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IMPERIAL-SAVANNAH, L.P. )  
)  
Respondents. )  
\_\_\_\_\_ )

Docket No. 08-1104

**CERTIFICATE OF SERVICE**

I certify that a copy of NOTICE OF DEPOSITION OF GRAHAM H. GRAHAM was served on March 30, 2009 by U.S. Mail 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

SUBPOENA AD TESTIFICANDUM

UNITED STATES OF AMERICA  
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

To Graham H. Graham

5017 Tangle Lane Houston, Texas 77056

Request therefor having been duly made by Imperial Sugar Company

of 8016 Highway 90-A Sugar Land Texas  
(Street) (City) (State)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR before \_\_\_\_\_

of the Occupational Safety and Health Review Commission, at the law offices of  
Baker Botts LLP located at One Shell Plaza, 910 Louisiana Street

in the City of Houston, Texas

on the 30th day of April & May 1, 2009, at 9 o'clock a.m.  
p.m.

of that day, to testify in the Matter of Secretary of Labor v. Imperial  
Sugar Company, Imperial-Savannah L.P., and Imperial Distribution Inc.

08-1104  
OSHRC Docket No. 08-1195

S- 01268

*In testimony whereof, the seal of the Occupational Safety and Health Review Commission is affixed hereto, and the undersigned has hereunto set hand and authorized the issuance hereof.*

Issued at Atlanta, Georgia

this 30th day of March, 2009



A handwritten signature in black ink, appearing to read "Dennis L. Phillips".

The Honorable Dennis L. Phillips  
U.S. OSHRC Judge

**RETURN OF SERVICE**

*I hereby certify that being a person over 18 years of age, I duly served a copy of the within subpoena*

(Indicate by check  method used.)

*in person by certified mail-return receipt requested by leaving copy at principal office or place of business, or at the person's residence with some person of suitable age and discretion residing therein, to wit:*

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

*on the person named herein on* \_\_\_\_\_

\_\_\_\_\_  
(Month, day, and year)

\_\_\_\_\_  
(Name of person making service)

\_\_\_\_\_  
(Official title, if any)

*I certify that the person named herein was in attendance as a witness at* \_\_\_\_\_

\_\_\_\_\_

*on* \_\_\_\_\_  
(Month, day, and year)

\_\_\_\_\_  
(Name of person certifying)

\_\_\_\_\_  
(Official title)

UNITED STATE OF AMERICA  
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,

CIVIL ACTION NO.

PLAINTIFF,

VS

IMPERIAL SUGAR COMPANY,  
IMPERIAL-SAVANNAH L.P., AND  
IMPERIAL DISTRIBUTION INC.

DEFENDANTS.

**AFFIDAVIT OF SERVICE**

I, Donnie Moreland, do hereby say that I am a citizen of the United States, am more than eighteen 18 years of age, am not an interested party in the above-styled action, am allowed by the State of Texas to serve process and that on the 1 day of April, 2009 @ 9:50 a.m./p.m.

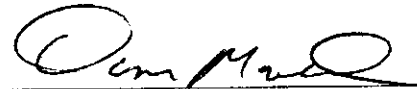
I SERVED: GRAHAM H. GRAHAM - PERSONALLY

AT: 5017 Tangle Lane, Houston TX 77056

WITH THE FOLLOWING: SUBPOENA AND WITNESS CHECK IN THE AMOUNT OF \$50.11

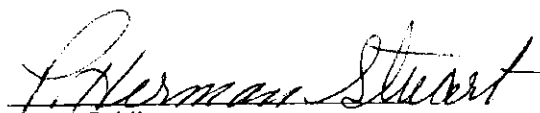
I certify under penalty of perjury that the foregoing is true and correct.

Executed on this 1 day of April, 2009.



Process Server for  
MLQ Attorney Services  
2000 RIVEREDGE PARKWAY NW STE 885  
Atlanta, GA. 30328  
770-984-7007

Subscribed and sworn to before me this 1 day of April, 2009  
and notarized by me on said date.



Notary Public



19294

