



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.

CRANESVILLE AGGREGATE CO., d/b/a
SCOTIA BAG PLANT & CRANESVILLE
BLOCK CO., INC.,

Respondent.

OSHRC Docket Nos. 09-2011, 09-2055,
10-0447

ORDER AND BRIEFING NOTICE

The Secretary has filed Petitions for Interlocutory Review concerning the judge's orders of December 27, 2010, January 5, 2011, and January 10, 2011, and Respondent has filed an opposition thereto. Pursuant to Commission Rule 73(a), 29 C.F.R. § 2200.73(a), the Commission grants the Secretary's petitions. With respect to issues concerning the orders of December 27, 2010, and January 10, 2011, the Commission also grants the Secretary's request for leave to file a brief of *amicus curiae* on behalf of the Mine Safety and Health Administration.

The Commission also denies Respondent's request to lift the Commission's previously-issued stay of these consolidated cases. Accordingly, the parties are advised that the Commission's order of January 18, 2011, which stayed these consolidated cases in their entirety, remains in effect pending resolution of the Secretary's petitions.

The parties are instructed to brief all issues presented in the Secretary's petitions. The Secretary's brief and the *amicus curiae* brief are due within 20 days of this notice. The Respondent shall file its brief within 15 days after the Secretary's brief is served. Any reply brief by the Secretary shall be filed within 10 days after the Respondent's brief is served. In all other respects, all briefs shall be filed in accordance with Commission Rule 93, 29 C.F.R. § 2200.93.¹

¹ The Commission requests that all briefs include an alphabetical table of authorities with references to the pages on which they are cited, and that an asterisk be placed in the left-hand margin of the table to indicate those authorities on which the brief principally relies. The Commission also requests that copies of cited authority, other than statutes, case law, law journal articles and legal treatises, be provided to the Commission and to the opposing party. Parties should be cautioned that these materials will be considered only if appropriate.

A party who does not intend to file a brief must notify the Commission in writing setting forth the reasons therefor within the applicable time for filing briefs, and shall serve a copy on all other parties.

BY DIRECTION OF THE COMMISSION

Dated: February 1, 2011

/s/ _____
Ray H. Darling, Jr.
Executive Secretary