

UNITED STATES OF AMERICA  
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,  
Complainant,

v.

OSHRC DOCKET NOS. 01-2066 and 01-2067

CLASSIC HOSIERY, INC.,  
Respondent.

DECISION AND ORDER

This Decision and Order supercedes the Order issued on July 31, 2002.

Respondent's failure to respond to, reply to, or in any way even attempt to comply with orders compelling discovery constitutes egregious disdain for the Commission.

"[D]isobedience of court orders, in and of itself, constitutes extreme misconduct (and, thus, warrants dismissal)." *Tower Ventures, Inc., v. City of Westfield, Et. AL, No. 02-1145, D.C. D. Mass.* (July 23, 2002), slip op. at, p.2. (Citation omitted.) The Secretary's Motion to Enter Judgment by Default is, for the reasons stated therein, GRANTED. Rule 52(e).

Accordingly,

1) The Citations issued to Respondent on October 11 and 12, 2001 and the Notification of Failure to Abate Alleged Violation issued to Respondent on October 11, 2002, are AFFIRMED.

2) The Notifications of Proposed Penalty issued to Respondent on October 11 and 12, 2001 are AFFIRMED.

/s/

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Michael H. Schoenfeld

Judge, OSHRC

Dated: August 12, 2002  
Washington, D.C.