



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 : **OSHRC DOCKET NO. 08-1104**

:

IMPERIAL SUGAR COMPANY and
IMPERIAL-SAVANNAH, L.P.,
Respondents. :

ORDER PERMITTING REPLY BRIEFS

Under consideration is Respondents' February 26, 2009, Motion to File Reply Briefing in Support of Respondents' Motion To Dismiss and Motion for Partial Summary Judgment, and the Complainant's February 27, 2009, Objection to Respondents' Motion to File Reply Briefing. The Commission Rules neither authorize nor forbid the filing of a reply brief in support of a motion¹, therefore, Respondents appropriately seek leave. It is well accepted motion practice that pursuant to the court's discretionary powers, when allowed, a reply is limited to matters raised in a the opposition brief. In this instance, a reply brief is limited to a reply to complainant's arguments and must address the precise paragraph of complainant's response to which a reply is being made. Under no circumstances may any statement or argument within the reply advance any new grounds for relief or supplement any ground or repeat arguments set forth in the initial motion. Accordingly, Respondents' request is GRANTED and said reply may be filed within five (5)

¹In the absence of a specific provision, procedure shall be in accordance with the Federal Rules of Civil Procedure. Rule 2200.2(b), 29 C.F.R. §2200.2(b). Furthermore, the undersigned notes that in matters before the Review Commission, Commission Rules do permit the filing of reply briefs. Rule 2200.93(b)(3). 29 U.S.C. §2200.93(b)(3).

working days of the service of this order, i.e., Monday, March 9, 2009, and shall be limited to five pages. No further briefs may be filed.

SO ORDERED.

/s/ Covette Rooney

COVETTE ROONEY

Judge, OSHRC

Washington, D.C.

Dated: March 2, 2009



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CERTIFICATE OF SERVICE

A copy of the ORDER PERMITTING REPLY BRIEFS was electronically served on March 2, 2009 on the following parties:

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