

BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD

EXPEDITE

In the Matter of the Appeal of:

CLP RESOURCES INC.
6615 South Rural Road, Suite 107
Tempe, AZ 95253

Employer

DOCKETS 13-R4D7-3195
through 3200

IMIS 313388563

NOTICE OF STATUS
CONFERENCE

NOTICE IS HEREBY GIVEN that a **STATUS CONFERENCE** in the above-captioned matter will be conducted by telephone on **November 18, 2013** at **2.45 p.m.** The conference call will be initiated by the Undersigned Administrative Law Judge or other designee.

The purpose of the status conference is to simplify the issues and expedite the hearing. The parties shall be prepared to discuss the issues to be presented, the witnesses to be called, the status of discovery requests, pending and contemplated motions, and any other matters that may aid in expediting the hearing or otherwise disposing of the case.

Any communications or questions regarding the status conference should be directed to Kathleen Veloria, Senior Legal Typist, addressed to 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833, or called in to (916) 274-5780. Any party unable to participate in the Status Conference must notify the person listed above.

Dated: October 24, 2013
CHW/sp


Administrative Law Judge

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to the within action. My place of employment and business address is 2520 Venture Oaks Way, Suite 300, Sacramento, California 95833.

On October 24, 2013, I served the attached **Notice of Status Conference** by placing a true copy thereof in an envelope addressed to the persons named below at the address set out immediately below each respective name, and by sealing and depositing said envelope in the United States Mail at Sacramento, California, with first-class postage thereon fully prepaid. There is delivery service by United States Mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed:

Eugene F. McMenamin, Attorney
ATKINSON ANDELSON, LOYA, RUUD & ROMO
12800 Center Drive, Suite 300
Cerritos, CA 90703

DOSH DISTRICT OFFICE
7718 Meany Avenue
Bakersfield, CA 93308

DOSH LEGAL UNIT
Attn: Amy Martin, Chief Counsel
1515 Clay Street, Suite 1901
Oakland, CA 94612

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

Executed on October 24, 2013, at Sacramento, California 95833.



Declarant

**BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD**

EXPEDITED

In the Matter of the Appeal of:

**CLP RESOURCES INC.
6615 S. Rural Road, Suite 107
Tempe, AZ 95253**

Employer

**DOCKET 13-R4D7-3195
through 3200**

IMIS 313388563

ORDER RE DISCOVERY

This appeal is processed pursuant to tit. 8, Cal. Code Regs sec. 373(b). This Order is issued to fulfill the objective of expediting this appeal for prompt resolution.

Pursuant to Title 8, California Code of Regulations §§350.1, 350.2 and 373, the Occupational Safety and Health Appeals Board (Appeals Board) hereby Orders and Compels that Discovery in the above captioned case shall begin immediately and be completed within the dates set forth below. Further, it shall be the continuing duty for both parties to produce to the opposing party all newly discovered information or material within the scope of this order.

The parties shall immediately produce and exchange the documents designated below for production.

(1) Each party shall produce and exchange with the other party a list of the names and addresses of witnesses (to the extent known) having personal knowledge of the acts, omissions or events which are the basis for this proceeding;

(2) Each party shall produce and exchange a list of all witnesses, with their addresses if known, intended to be called to testify at hearing.

[3] Each party shall assemble any statements of parties or witnesses relating to the subject matter of the proceeding, and provide these to the other party or parties;

(4) Each party shall assemble all writings or things (including photographs, drawings, etc.) which the party then proposes to offer in evidence, and provide these to the other party or parties;

(5) Each party shall assemble any other writing or things (including photographs, drawings, etc.) which is relevant and which would be admissible in evidence, and provide these to the other party or parties;

(6) Each party shall assemble all inspection and investigative reports made by or on behalf of the Division or other party pertaining to the subject matter of the proceeding, and produce and exchange them;

(7) For the purpose of this Order "statements" include written statements by the person, signed or otherwise authenticated, stenographic, mechanical, electrical or other recordings or transcripts thereof, of oral statements by the person, and written reports or summaries of such oral statements.

(8) Nothing in this Order requires the disclosure of the identity of a person who submitted a complaint regarding an unsafe condition in an employment or place of employment unless that person requests otherwise. Nothing in this section authorizes the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as attorney's work product.

[9] You are hereby required to furnish the above immediately but no later than 15 days from this order's date, and further, to file with the Appeals Board within thirty (30) days of the date of this Order a written response listing all Discovery that has been conducted in compliance with this Discovery Order.

[10] Any party claiming that certain writings or things are privileged against disclosure shall serve on the other party or parties a written statement setting forth what matters are claimed to be privileged and the reasons therefore.

[11] Any party claiming that it cannot comply with the Discovery Order may, within 15 days from this Order's date, file a request to extend the time allowed for compliance with this Order. That request must state with specificity the reasons that constitute good cause for the Appeals Board to grant the request to extend the time for compliance.

The Administrative Law Judge or the Appeals Board may impose sanctions on a party who fails to respond to this Order Compelling Discovery or makes an evasive or incomplete response to discovery.

(1) Such sanctions may include:

(a) An order prohibiting the introduction of designated matters into evidence by the abusing party; and/or

(b) An order establishing designated facts, claims, or defenses against the abusing party in accordance with the claim of a party adversely affected.

(2) Any other order as the Administrative Law Judge or the Appeals Board may deem appropriate under the circumstances.

IT IS FURTHER ORDERED that all other discovery that the parties engage in pursuant to Board Regulations §§372 through 372.4, including depositions, must be completed within 45 days of this order's date.

DATED: 10/24/13



ADMINISTRATIVE LAW JUDGE

DEPARTMENT OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
TEL: (916) 274-5751
FAX: (916) 274-5785



October 24, 2013

EXPEDITED

Eugene F McMenam, Attorney
ATKINSON ANDELSON LOYA RUUD & ROMO
12800 Center Court Drive, Suite 300
Cerritos, CA 90703

RE: EXPEDITED HEARING PROCESS
CLP RESOURCES INC.
13-R4D7-3195 through 3200
Docket Date: October 21, 2013

IMIS# 313388563

Dear Mr. McMenam:

In accordance with Board Regulation 373(b), the matter will be heard on an expedited basis.

This case will proceed as follows:

1. Discovery will begin immediately and the parties will have a continuing duty to produce and exchange newly discovered information throughout this process;
2. There will be a Mandatory Status Conference scheduled 30 days from the Docket Date shown above;
3. There will be a Mandatory Pre-Hearing Conference within 60 days after the Status Conference;
4. There will be a Hearing on the entire case within 30 days after the Pre-Hearing Conference.
5. Parties may simultaneously file pre-hearing briefs.

The materials included with this explanatory letter are:

1. A Standing Order Compelling Discovery to begin immediately and continue throughout the expedited hearing process. The Standing Order also requires both parties to submit a Discovery Report prior to the Pre-Hearing Conference.

2. A Notice of Status Conference setting the date of the Status Conference and requiring the parties to be prepared to discuss the continued application of section 373(b), and to report on discovery activities.
3. A Notice of Pre-Hearing Conference requiring the parties to participate and be prepared to follow the included Pre-Hearing Conference Agenda.
4. A Notice of Hearing setting the date for the Expedited Hearing.

The case will not continue in the expedited process if a continuance is sought and granted by the Appeals Board; or if the case is referred to the Bureau of Investigations for review; or if the Appeals Board is advised by the Division of Occupational Safety and Health (Cal OSHA) that the employer has abated all conditions for which it was cited.

Sincerely,




SARSVATI PATEL
Senior Legal Typist

cc: DOSH District Office – Bakersfield

DOSH LEGAL UNIT – SF (Oakland)

encls: Discovery Letter
Status Conference
Pre-Hearing Conference
Hearing Notice

DEPARTMENT OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY
AND HEALTH APPEALS BOARD

2520 VENTURE OAKS WAY, SUITE 300
SACRAMENTO, CA 95833
(916) 274-5751
FAX (916) 274-5785



October 22, 2013

Eugene McMenamin, Esq.
ATKINSON, ANDELSON, LOYA, RUUD & ROMO
12800 Center Court Drive, Suite 300
Cerritos, CA 90703

EXPEDITE

Re: CLP RESOURCES INC.
13-R4D7-3195/3200

DOCKETED: 10/21/13

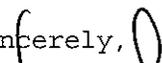
Dear Mr. McMenamin:

Enclosed are the docketed copies of each Appeal form that you filed with the Board. The above listed docket numbers should appear on all future correspondence. A copy of any correspondence with the Appeals Board must be served on the Division of Occupational Safety and Health DOSH and any other party to the proceeding.

You are obligated to notify any affected employees or their representative that an appeal is pending and that they have a right to participate in the proceeding. You are required to post a copy of the docketed Appeal form and a Participation Notice (similar to the sample enclosed) at or near the site of the violation or in a conspicuous place where it will be readily observable by employees. In addition to posting, a copy of the Appeal form and the Participation Notice must be served on the following: 1) any authorized employee representative; and 2) any employee (or their representative) who was seriously injured or killed in an accident related to this appeal. Proof, such as a brief letter, that the forms were posted must be sent to the DOSH District Manager whose address appears on the citation.

Please direct any request for information dealing with the filing of your appeal to the above address and/or telephone number. All other communications prior to the hearing will be handled by the assigned Administrative Law Judge (ALJ) **Clara L. Hill-Williams** (626) 332-1145.

Any written motion, such as a request for subpoena, consolidation of cases, or request for party or intervenor status must be made by written motion to the ALJ named above at 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.

Sincerely, 


Office Technician

cc: Accounting
DOSH District Manager-Bakersfield
DOSH Legal Unit-Oakland
DOSH Legal Unit-Los Angeles
IMIS# 313388563