

CCASE:
SOL (MSHA) V. ENERGY FUELS
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER

v.

ENERGY FUELS COAL, INC.,
RESPONDENT

CIVIL PENALTY PROCEEDINGS

Master Docket No. 91-1
Docket Nos. WEST 91-475
through WEST 91-476

A.C. Nos. 05-03455-03594D
and 05-03771-03526D

Southfield and Raton
Creek No. 1 Mine

ORDER DENYING PROTECTIVE ORDER
ORDER STAYING DISCOVERY

On June 25, 1992, the Secretary filed a motion for a protective order to provide that the Secretary need not answer the written discovery propounded by Respondent Energy Fuels on June 12, 1992. The Secretary contends that the discovery requests are untimely under the Discovery Plan. Energy Fuels filed a response on July 10, 1992.

The discovery requests of Energy Fuels are clearly casespecific. Therefore, they are not untimely under the Discovery Plan. The motion for a protective order is DENIED.

However, my order of August 13, 1992, scheduling a common issues trial stayed case-specific discovery. In accordance with that order, the discovery sought by Energy Fuels in its Requests for Admissions, Interrogatories and Requests for Production of Documents served on the Secretary June 12, 1992, is STAYED until further order.

James A. Broderick
Administrative Law Judge