

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1331 PENNSYLVANIA AVENUE, NW, SUITE 520N

WASHINGTON, D.C. 20004-1710

September 9, 2021

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

v. : Docket No. CENT 2021-0090

: A.C. No. 41-00009-527340

CACTUS CANYON QUARRIES, INC. :

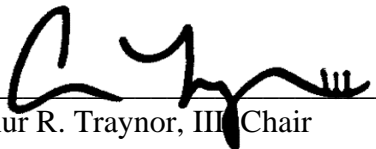
BEFORE: Traynor, Chair; Althen and Rajkovich, Commissioners

ORDER

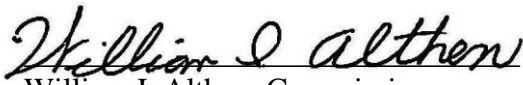
BY THE COMMISSION:

This proceeding arises under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (2018) (“Mine Act” or “Act”). On August 30, 2021, Cactus Canyon Quarries, Inc. (“Cactus Canyon”) filed with the Commission a petition for interlocutory review of an order issued by an Administrative Law Judge on August 13, 2021, denying Cactus Canyon’s motion to certify for interlocutory review previous orders by the Judge. See 29 C.F.R. § 2700.76. In the earlier orders, the Judge denied requests by Cactus Canyon to compel discovery and a motion for summary judgment. See PIR at 1.


Upon consideration of the pleadings filed by Cactus Canyon, we have determined that the Judge’s denial of Cactus Canyon’s motions to compel discovery and motion for summary judgment do not involve a controlling question of law and that immediate review of those rulings would not materially advance the final disposition of this proceeding. See 29 C.F.R. § 2700.76(a)(2). Accordingly, we conclude that Cactus Canyon has failed to establish a basis for granting interlocutory review and, therefore, we deny the petition.



Arthur R. Traynor, III, Chair



William I. Althen, Commissioner



Marco M. Rajkovich, Jr., Commissioner

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