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8 HILDA L. SOLIS, SECRETARY OF LABOR
UNITED STATES DEPARTMENT OF LABOR

9 THE UNITED STATES DISTRICT COURT FOR THE
10 EASTERN DISTRICT OF CALIFORNIA

11 HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor

12 Plaintiff,

13 v.

14 ORLAND SAND & GRAVEL CORPORATION,

15 Defendant

Case No.: CIV. S-11-1706 JAM/JFM
16
17 *Jam*
~~(PROPOSED)~~ ORDER GRANTING
18 PLAINTIFF'S MOTION FOR PRELIMINARY
19 INJUNCTION

20 This matter is before the Court upon the motion of Plaintiff, Hilda L. Solis, Secretary of Labor,
21 United States Department of Labor, (the "Secretary"), pursuant to Rule 65 of the Federal Civil
22 Procedure, for a preliminary injunction enjoining Defendant Orland Sand & Gravel Corporation from
23 continuing to violate Section 103 of the Federal Mine Safety & Health Act of 1977, 30 U.S.C. §§ 801
24 et seq. (hereinafter referred to as "the Act"), by denying authorized representatives of the Secretary
25 entry to the Orland Sand and Gravel Corporation mine operated by the Defendant; refusing to permit
26 inspection of the mine and related equipment; and interfering with, hindering and delaying the
27 Secretary of Labor or her authorized representatives from carrying out the provisions of the Act; and
28 from continuing to violate Section 104(b) of the Act by refusing to comply with Order of Withdrawal
No. 8603273.

(Proposed) Order Granting Preliminary Injunction

FILED

JUN 29 2011

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY

[Signature]
DEPT. CLERK

-JFM Solis v. Orland Sand & Gravel Corporation

Doc. 11

1 Having considered the evidence and the arguments of counsel, and further good cause
2 appearing, the Court finds that:

3 1. There is reasonable grounds to believe that the Defendant has violated Sections 103 and
4 104(b) of the Act by denying entry to an authorized representative of the Secretary to inspect
5 Defendant's mine and will continue to violate Sections 103 and 104(b) of the Act upon dissolution of
6 the temporary restraining order granted previously by the Court;
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8 2. Under Section 108(a) of the Act, 30 U.S.C. § 818(a), this Court has the jurisdiction and
9 the power to enjoin the Defendant from continuing to violate Sections 103 and 104(b) of the Act;

10 3. The public interest will be irreparably harmed unless Defendants are enjoined from
11 continuing to violate Sections 103 and 104(b) of the Act;
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13 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:**

14 1. Defendant, its agents, servants, employees, and those persons in active concert or
15 participation with it, are enjoined from violating Section 103 of the Act by denying authorized
16 representatives of the Secretary entry to and to permit the inspection of the Orland Sand and Gravel
17 Corporation mine operated by the Defendant; refusing to permit inspection of the mine and related
18 equipment; and interfering with, hindering and delaying the Secretary of Labor or her authorized
19 representatives from carrying out the provisions of the Act;
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21 2. Defendant, its agents, servants, employees, and those persons in active concert or
22 participation with it, are enjoined from violating Section 104(b) of the Act by refusing to comply with
23 Order of Withdrawal No. 8603273;
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25 3. This Preliminary Injunction shall remain in full force and effect until such time as the
26 merits of Plaintiff's Complaint have been resolved, or upon order of the Court;

27 4. This Preliminary Injunction shall be served on the Defendant or its attorney, and;
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1 5. Plaintiff is exempt from posting security under Fed. R. Civ. P. 65(c) as an officer of the
2 United States.

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4 IT IS SO ORDERED.

5 This 29th day of June, 2011 at Sacramento, California at the hour of 10 a.m.
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9 UNITED STATES DISTRICT JUDGE
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