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 9 THOMAS E. PEREZ, Secretary of Labor
 UNITED STATES DEPARTMENT OF LABOR

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

12 THOMAS E. PEREZ, Secretary of Labor,
 13 United States Department of Labor,

14 Plaintiff,

15 v.

16 ORLAND SAND & GRAVEL CORPORATION,

17 Defendant.

HON. JOHN A. MENDEZ

Case No.: 2:11-CV-01706 JAM (AC)

ORDER AFTER OCTOBER 6, 2014
 HEARING

18 On October 6, 2014, a hearing was held on the continued civil contempt of Defendant Orland
 19 Sand & Gravel Corporation (“OSG”) and its owner, Dale “Doc” Bogart. The hearing was attended by
 20 representatives of Plaintiff Thomas E. Perez, Secretary of Labor, U.S. Department of Labor (the
 21 “Secretary”) and by the owner of Defendant OSG, Dale “Doc” Bogart. The Court finds that Defendant
 22 OSG and Bogart remain in contempt of this Court for their failure to comply with this Court’s Order,
 23 dated March 12, 2013, in that they have again denied authorized representatives of the Secretary entry
 24 to the OSG mine and have refused to permit inspection of the mine and related equipment. Upon the
 25 representation by Mr. Bogart that he and Defendant OSG will cease their contumacious behavior going
 26 forward, it is hereby ORDERED that:
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1 1. Should Defendant OSG or anyone acting on its behalf, including Mr. Bogart, act in
2 contempt of this Court's March 12, 2013 order by denying entry to the OSG mine to the Secretary's
3 authorized representatives, or otherwise interfering with, hindering or delaying the Secretary in
4 inspecting the mine and related equipment, Defendant OSG, or any successor entity will be
5 immediately enjoined from operating the OSG mine and any other business for a period of twelve (12)
6 months from the date of such denial;
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8 2. Should Defendant OSG or anyone acting on its behalf, including Mr. Bogart, act in
9 contempt of this Court's March 12, 2013 order by denying entry to the OSG mine to the Secretary's
10 authorized representatives, or otherwise interfering with, hindering or delaying the Secretary in
11 inspecting the mine and related equipment, Defendant OSG and Mr. Bogart shall be jointly and
12 severally liable for a coercive monetary sanction of \$500 per day for each day, starting from the date of
13 such denial until the authorized representatives of the Secretary are able to conduct an inspection of the
14 OSG mine without being denied entry, interfered with, hindered or delayed in inspecting the OSG mine
15 and related equipment. This sanction shall be paid to the United States Treasury, c/o Mine Safety and
16 Health Administration, 991 Nut Tree Road, Vacaville, California 95687; and
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18 3. Defendant OSG and Bogart shall be enjoined from filing liens, threatening to file liens,
19 attempting to file liens or in any way threatening or attempting to encumber the real or personal
20 property of any federal law enforcement officers, including Mine Safety and Health Inspectors who are
21 the authorized representatives of the Secretary, on account of the performance of official duties by the
22 federal law enforcement officers, in violation of 18 U.S.C. 1521.
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1 4. Should Defendant OSG or anyone acting on its behalf, including Mr. Bogart, act in
2 contempt of this Court’s March 12, 2013 order by denying entry to the OSG mine to the Secretary’s
3 authorized representatives, or otherwise interfering with, hindering or delaying the Secretary in
4 inspecting the mine and related equipment, Dale “Doc” Bogart shall be taken into custody by the
5 United States Marshal Service and confined for a period of thirty (30) days, or until he can show that he
6 is in compliance with this Court’s order dated March 12, 2013, whichever occurs first.
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8 IT IS SO ORDERED.

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10 DATED: October 7, 2014

/s/ John A. Mendez
 HONORABLE JOHN A. MENDEZ
 UNITED STATES DISTRICT COURT JUDGE