

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARTIN J. WALSH,<sup>1</sup> Secretary of Labor, United States Department of Labor, :  
Petitioner, :  
v. : Case No. 1:21-mc-00247-AJN  
G&J'S PIZZERIA 2, LLC, :  
Respondent. :  
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USDC SDNY  
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**PROPOSED ORDER**

WHEREAS on February 12, 2021, the U.S. Department of Labor, Occupational Safety and Health Administration (“OSHA”) issued an administrative subpoena *duces tecum* (the “Subpoena”) to Respondent G&J Pizzeria 2, LLC, (“G&J”);

WHEREAS on March 16, 2021, Milton Al Stewart, Acting Secretary of Labor, United States Department of Labor (the “Acting Secretary”) filed the Motion to Compel Compliance with Administrative Subpoena *duces tecum* (the “Motion to Compel”);

WHEREAS G&J subsequently provided information to OSHA related to the Subpoena requests; and

WHEREAS the Secretary made several requests to G&J to join us in filing this Proposed Order, to which we received no response; and

<sup>1</sup> Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Secretary of Labor Al Stewart is automatically substituted as Petitioner.

WHEREAS the Secretary respectfully submits that, having now obtained information needed from G&J in order to complete OSHA's inspection, he no longer wishes to pursue the Motion to Compel;

IT IS THEREFORE ORDERED that the Motion to Compel is DISMISSED with prejudice, with each party to bear its own costs and fees, including attorney's fees.

SO ORDERED:



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ALISON J. NATHAN  
UNITED STATES DISTRICT JUDGE

DATED: April 26, 2021

Entry of this Order is hereby consented to:

ELENA S. GOLDSTEIN  
Deputy Solicitor of Labor

JEFFREY S. ROGOFF  
Regional Solicitor

By:

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Secretary of Labor*