

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
601 New Jersey Ave., N.W. Suite 9500
Washington, DC 20001-2021

October 31, 2002

HANSON PERMANENTE CEMENT,	:	CONTEST PROCEEDINGS
Contestant	:	
	:	Docket No. WEST 2002-370-RM
v.	:	Order No. 6333431; 3/20/2002
	:	
SECRETARY OF LABOR,	:	Docket No. WEST 2002-317-RM
MINE SAFETY AND HEALTH	:	Order No. 6333432; 3/20/2002
ADMINISTRATION, (MSHA),	:	
Respondent	:	Docket No. WEST 2002-372-RM
	:	Order No. 6333433; 3/20/2002
	:	
	:	Mine: Permanente Plant
	:	Mine: ID 04-04075

ORDER OF DISMISSAL

Appearances: Michael T. Heenan, Esq., Heenan, Althen & Roles LLP, Washington, D.C., for the Contestant;
Christopher B. Wilkinson, Esq., U.S. Department of Labor, Office of the Solicitor, San Francisco, California, for the Secretary.

Before: Judge Weisberger

The above captioned notices of contest were scheduled for hearing on October 8 and 9, 2002. In the course of the second day of the trial, the parties engaged in extensive negotiations, and reached a settlement resolving all issues raised by the notices of contest. Pursuant to the settlement, contestant moved to withdraw its pleading, the Notice of Contest in Docket No. WEST 2002-372, and based on the settlement, the motion was granted. In addition, the Secretary made a motion, which was not opposed by contestant, to dismiss Docket Nos. WEST 2002-370 and WEST 2002-371. Based on the lack of opposition, and the parties' settlement, the motion was granted.

It is **Ordered** that Docket Nos. WEST 2002-370, WEST 2002-371 and WEST 2002-372 be **Dismissed**. It is **further Ordered** that the parties shall abide by all the terms of their settlement.

Avram Weisberger
Administrative Law Judge

Distribution:

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