

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

September 13, 2012

No. 11-4077

Secretary United States Department of Labor

v.

Nicholas Saites, et al.

(OSHRC No. 99-0958)

Present: FUENTES, HARDIMAN and ROTH, Circuit Judges

1. Motion by Petitioner Secretary Department of labor to clarify opinion dated 8/31/12
2. Response by Altor Inc., Avcon Inc, Nicholas Saites and Vasilios Saites
3. Reply by Petitioner.

Respectfully,
Clerk/tyw

ORDER

The foregoing motion for clarification is granted. As the opinion and judgment issued on August 31, 2012 addressed the issues raised in the petition for review and not the issues raised in the application for summary enforcement the inclusion of docket number 11-4077 on the opinion was in error. An amended opinion and judgment will be issued listing only docket number 11-2718. As the removal of docket number 11-4077 does not alter the substance of the opinion or judgment, the filing date of the opinion and judgment will remain unchanged.

The response by Altro Inc., Avcon Inc, Nicholas Saites and Vasilios Saites in opposition to the motion for clarification shall be deemed their response to the application for summary enforcement. The application for summary enforcement is hereby granted. A decree enforcing a final order of the Occupational Safety and Health Review Commission shall be entered.

By the Court,

/s/ Julio M. Fuentes
Circuit Judge

Dated: November 15, 2012
tyw/cc: Heather R. Phillips, Esq.
John R. Shortall, Esq.
Kevin J. O'Connor, Esq.