

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-1261

September Term, 2022

OSHC-16-1575
OSHC-16-1731

Filed On: October 19, 2022

Birdsboro Kosher Farms Corp.,

Petitioner

v.

Secretary of Labor,

Respondent

Consolidated with 20-1028

BEFORE: Pillard and Wilkins, Circuit Judges

ORDER

Upon consideration of the petition of the Secretary of Labor for judgment of civil contempt and for other civil relief; the court's order filed on April 12, 2022, directing Birdsboro Kosher Farms Corp. ("Birdsboro") to show cause why it should not be adjudged in civil contempt for failure to comply with this court's judgment filed December 1, 2020, and the lack of any response thereto; the motion of the Secretary for default judgment; and the lodged motion to extend time to file a response to the petition for judgment of civil contempt, the response in opposition to the lodged motion to extend time combined with a motion renewing the Secretary's motion for default judgment, and the lodged reply, it is

ORDERED that the order to show cause be discharged. It is

FURTHER ORDERED that the petition for judgment of civil contempt and for other civil relief, the motion for default judgment, and the renewed motion for default judgment be granted. Birdsboro is hereby found in contempt of this Court. It is

FURTHER ORDERED that Birdsboro must provide to Kevin T. Chambers, Occupational Safety and Health Administration Area Director for Harrisburg,

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-1261

September Term, 2022

Pennsylvania, written certification within 20 days of the date of this order that the company has abated the violations affirmed in the Occupational Safety and Health Review Commission's final order, which the court enforced in its judgment filed on December 1, 2020. It is

FURTHER ORDERED that Birdsboro must pay, within 20 days of the date of this order, outstanding penalties in the amount of \$162,359, plus interest and fees, assessed by the Commission's final order and enforced by the court's December 1, 2020 judgment, according to the following payment instructions: Make your check or money order payable to "DOL-OSHA." Indicate the inspection number on the remittance and mail to Kevin T. Chambers, OSHA Area Director, 43 Kline Village, Harrisburg, PA 17104. Contact the OSHA Debt Collection Team at (202) 693-2170 and provide Inspection Numbers 1132233 and 1131470 for the respective balances that will include fees and interest. Birdsboro may agree instead to a payment plan, within 20 days of the date of this order, to pay off outstanding penalties, interest, and fees. It is

FURTHER ORDERED that Birdsboro shall be subject to coercive sanctions that the court deems necessary and appropriate to compel compliance with its judgment, including, if necessary, cessation of all operations at Birdsboro's facility, incarceration of company officers, daily penalties of up to \$7,000 per outstanding violation, and such other relief as the court deems just and proper, for any noncompliance after 20 days from the date of this order.

The Clerk is directed to send a copy of this order to Birdsboro at 1100 Lincoln Road, Birdsboro, PA 19508, by first-class and certified mail.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk