

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 14th day of August, two thousand nineteen.

R. Alexander Acosta, Secretary of Labor,

Petitioner,

v.

Angelica Textile Services, Inc.,

Respondent.

ORDER

Docket No. 18-2831

By Petition filed September 21, 2018, the Secretary of Labor seeks review of an Occupational Safety and Health Review Commission decision dated July 24, 2018.

On October 22, 2018, Petitioner notified the Court that on April 3, 2017 Respondent Angelica Textile Services, Inc. had filed for bankruptcy protection under Chapter 11 of the United States Bankruptcy Code. In re: Reid Corporation, et al., f/k/a Angelica Corporation, 17-10870 (JLG), (Bankr. S.D.N.Y.). Petitioner stated that in its opinion, “the change in Angelica’s business status does not impact the Court’s authority to review the Commission’s” order.


The record before the Court indicates that the citations that are the subject of the decision under review occurred in 2008.

On December 3, 2018 former counsel for Respondent advised the Court, “The company was wound down in bankruptcy, and the claims against it were discharged. The OSHA citation and penalty that are the subject matter of the appeal were listed as a claim against the estate. The Area Office of the Occupational Safety and Health Administration was served with the bar date notice and did not assert a claim with the estate in conjunction with the bankruptcy notice. The facility that was the subject of the OSHA citations was shuttered and closed. No employees are exposed to any occupational safety and health hazards on account of the alleged hazards at issue in the citations. With these factors taken together, the Secretary's claim was discharged in bankruptcy and the citations have been mooted.”

IT IS HEREBY ORDERED that Petitioner show cause why, given these circumstances, it should not withdraw the petition with leave to reinstate should circumstances change, upon a showing of good cause. Reinstatement could be accomplished by filing a letter under the current docket number with the Clerk of Court. Petitioner's response is due 30 days from this date and may be filed in letter format addressed to the Clerk.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court

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