

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MARTIN J. WALSH, SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF LABOR,

Petitioner,

v.

DOLGENCORP, LLC dba DOLLAR GENERAL
STORE #12404,

Respondent.

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: No. 22-3728
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**STIPULATION OF DISMISSAL OF SECRETARY OF LABOR’S
PETITION FOR SUMMARY ENFORCEMENT OF A FINAL ORDER OF
THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

This Stipulation is entered into by and between **MARTIN J. WALSH**, Secretary of Labor, United States Department of Labor (hereinafter “DOL”), and **DOLGENCORP, LLC dba DOLLAR GENERAL STORE #12404** (hereinafter “Dollar General Store #12404”), by their undersigned attorneys. It is hereby stipulated and agreed by and between the parties hereto as follows:

I

In the above-captioned matter, on August 29, 2022, the DOL filed a petition for summary enforcement under section 11(b) of the OSH Act of a final agency order (hereinafter “Petition”). (Dkt. No. 1-2). In its Petition, the DOL sought

summary enforcement of a Commission final order stemming from the citation OSHA issued to Dollar General Store #12404 on May 26, 2022, in OSHA Inspection No. 1571861. (*See* Exhibit B in Dkt. No. 1-2). That citation and the related settlement agreement (*see* Exhibits A and B in Dkt. No. 1-2) became a final order of the Occupational Safety and Review Commission (“Commission”) on June 20, 2022.

II

Dollar General Store #12404 appeared, filing an answer and objecting to the DOL’s Petition.

III

The DOL now requests to withdraw its Petition in its entirety.

IV

The parties therefore jointly and respectfully request that the Court grant the DOL’s request to withdraw its Petition for summary enforcement of the citation that OSHA issued in OSHA Inspection No. 1571861 (Exhibit B in Dkt. No. 1-2), which became a final order of the Occupational Safety and Review Commission (“Commission”) on June 20, 2022, and dismiss the above-captioned matter with prejudice. This dismissal shall not affect the relief granted in any other final orders of the Commission arising out of other OSHA inspections.

V

It is agreed by the parties that each party bear its own fees and other expenses incurred by such party in connection with the above-captioned matter with no costs, including, but not limited to, any and all costs referenced under the Equal Access to Justice Act, as Amended.

WHEREFORE, the parties hereby stipulate that the DOL's Petition should be **WITHDRAWN** and the above-captioned matter be **DISMISSED** with prejudice. A proposed Order is attached hereto.

Respectfully submitted on October 18, 2022,

FOR THE DOL:

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