



**Issue Date: 11 October 2018**

OALJ Case No.: 2018-STA-00055  
OSHA Case No.: 4-1221-16-003

*In the Matter of:*

**DENISE BURNS,**  
*Complainant,*

v.

**RAJ PATEL, STEVEN OAKLEY, TRISHA TURNER,  
CHEHAR MAA TRANSPORT, INC., D.B.A. PREMIERE TOWING  
AND AUTO TRANSPORT, AND MARY ROE,**  
*Respondents.*

**DECISION AND ORDER DIRECTING DEFAULT JUDGMENT**

This matter was initially scheduled for hearing on Thursday, September 6, 2018, in Knoxville, Tennessee. On August 16, 2018, I received a Motion to Compel and Continue Hearing from Complainant. In the Motion, Complainant explained that it served discovery requests on Respondents on July 11, 2018, but Respondents did not answer the requests or provide initial disclosures. Complainant attempted to reach out to Respondents to confer on these issues, but could not find a working telephone number for the company. Accordingly, Complainant asked for an order compelling disclosure and discovery pursuant to 29 C.F.R. § 18.57(a). Complainant also asked for a continuance of the formal hearing for at least 60 days.

On August 23, 2018, I granted Complainant's motion. I ordered Respondents to provide discovery responses and initial disclosures to Complainant and update the Court on the status of their efforts within 15 days of the date of the order. If Respondents were unable to provide discovery responses and initial disclosures within the allotted time frame, they were directed to show cause, within 30 days of the date of the order, as to why a default decision and order should not be entered against them. I canceled the September 6, 2018, hearing pending Respondents' compliance with the order.

As of the date of this Decision and Order, Respondents have not provided any response.

The Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges, 29 C.F.R. Part 18, Subpart A, § 18.57(b), provides the following potential sanctions for failure to follow a Judge's order:

- (i) Directing that the matters embraced in the order or other designated facts be taken as established for purposes of the proceeding, as the prevailing party claims;
- (ii) Prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
- (iii) Striking claims or defenses in whole or in part;
- (iv) Staying further proceedings until the order is obeyed;
- (v) Dismissing the proceeding in whole or in part; or
- (vi) Rendering a default decision and order against the disobedient party;

*Id.* Respondents have failed to engage in the discovery process or provide a response to the written order of this Court.<sup>1</sup> This has resulted in an inability of this tribunal to adjudicate the issues before it and a denial of Complainant's right to discovery and adjudication of her claim. Accordingly, I find that Complainant is entitled to and is awarded a default judgment against Respondents.

**SO ORDERED.**

**MORRIS D. DAVIS**  
Administrative Law Judge

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<sup>1</sup> None of the Respondents have made contact with the Office of Administrative Law Judges by any means since this case was docketed.