

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
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ORDER

January 31, 2017

Before: DIANE P. WOOD, *Chief Judge*
RICHARD A. POSNER, *Circuit Judge*
MICHAEL S. KANNE, *Circuit Judge*

No. 16-3991	<p>THOMAS E. PEREZ, Petitioner</p> <p>v.</p> <p>ROBERT BARRINGER, III, Individually and doing business as Barringer Brothers Roofing, Barringer Brothers Roofing, Inc., Barringer Brothers, Inc., Barringer Brothers Construction, Barringer Brothers Construction, Inc., Barringer Brothers and their successors and/or alter egos, Respondent</p>
Originating Case Information:	
Agency Case Nos: 1150004, 1116328, 1100908, 1098507 & 107257 Occupational Safety & Health Review Commission	

The following are before the court:

1. **PETITION FOR SUMMARY ENFORCEMENT OF FINAL ORDERS OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**, filed on November 22, 2016, by counsel for the petitioner.
2. **RESPONDENTS' MOTION TO DISMISS**, filed on December 13, 2016, by counsel for the respondent.
3. **SECRETARY OF LABOR'S OPPOSITION TO RESPONDENTS' MOTION TO DISMISS**, filed on January 3, 2017, by counsel for the petitioner.

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IT IS ORDERED that the respondent's motion to dismiss the application for enforcement is **DENIED**.

IT IS FURTHER ORDERED that the application for enforcement is **GRANTED**. The judgment of the Department of Labor is **ENFORCED**.

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IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

THOMAS E. PEREZ, SECRETARY OF LABOR,

Petitioner,

v.

No. 16-3991

ROBERT BARRINGER, III, INDIVIDUALLY,
AND ROBERT BARRINGER, III, D/B/A
BARRINGER BROTHERS ROOFING,
BARRINGER BROTHERS ROOFING, INC.,
BARRINGER BROTHERS, INC.,
BARRINGER BROTHERS CONSTRUCTION,
BARRINGER BROTHERS CONSTRUCTION, INC.,
BARRINGER BROTHERS
And their successors and/or alter egos,

Respondents.

**DECREE ENFORCING FINAL ORDERS OF THE
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

This matter is before the Court on the petition of the Secretary of Labor for summary entry of a judgment against Respondents Robert Barringer, III, individually, and Robert Barringer, III, doing business as Barringer Brothers Roofing, Barringer Brothers Roofing, Inc., Barringer Brothers, Inc., Barringer Brothers Construction, Barringer Brothers Construction, Inc. and Barringer Brothers and their successors and/or alter

egos ("Barringer Brothers"), enforcing ten final orders of the Occupational Safety and Health Review Commission ("Commission"). The Secretary of Labor is entitled to summary judicial enforcement of these orders.

WHEREFORE, pursuant to section 11(b) of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 660(b), it is hereby:

ORDERED, ADJUDGED, AND DECREED that the ten final Commission orders arising from Occupational Safety and Health Administration ("OSHA") Inspection Numbers 1150004, 1116328, 1100908, 1098507, and 107257 are hereby enforced. Accordingly, Barringer Brothers shall:

1. abate the violations described in the citations and failure to abate notices issued under OSHA Inspection Numbers 1150004, 1116328, 1100908, 1098507, and 107257; and

2. pay the \$235,100.00 in penalties assessed by the citations and failure to abate notices issued under OSHA Inspection Numbers 1150004, 1116328, 1100908, 1098507, and 107257.

ENTERED BY ORDER OF THE COURT



~~Clerk~~ Judge

Date: 1-27-17