

UNITED STATES DEPARTMENT OF LABOR
BEFORE THE OFFICE OF ADMINISTRATIVE LAW JUDGES

In the matter of:

SAPORITO ENERGY CONSULTANTS, INC.
and THOMAS SAPORITO

ALJ NO. 2009-ERA-00016

Complainants,

DATE: 02 FEB 2010

v.

U.S. NUCLEAR REGULATORY COMMISSION,

Respondent.

COMPLAINANTS' MOTION FOR AN ENLARGEMENT OF TIME
AND CLARIFICATION FROM THE COURT

Thomas Saporito, Complainant *pro se*, on behalf of [himself]
and Saporito Energy Constants, Inc. (Complainants), hereby file
*Complainants' Motion for an Enlargement of Time and
Clarification from the Court*, in the above-styled matter and
state as follows:

ABBREVIATED PROCEEDING HISTORY

By Order dated December 10, 2009, this Court issued a Show
Cause Order (Order) to Complainants.

On December 28, 2009, Complainants timely replied to the
Court's Order (Reply).

On January 20, 2010, Respondent U.S. Nuclear Regulatory
Commission filed a response to Complainants' Reply.

On January 26, 2010, Complainants' filed an objection to Respondents January 20, 2010 Response alleging that the government's response was untimely and that this Court should strike it from the record.

By Order dated January 25, 2010, this Court issued an *Order Partially Dismissing Complaint and Permitting Additional Briefing* and requiring a response on the part of Complainants "no later than February 12, 2010" with respect to Complainants' allegation that Respondent retaliated against them by refusing to consider their March 22, 2009 application for employment as an independent contractor. *Id.* at 4-5.

Complainants point this Court to its aforementioned Order where it states, in relevant part, that, "*With respect to Complainants' application for employment as an independent contractor, Respondent has submitted evidentiary material for my consideration. I therefore construe Respondents' submission as a Motion for Summary Decision. . .*" *Id.* at 4.

To the extent that this Court makes reference to certain "evidentiary material" submitted by Respondents for which this Court relied in its January 25, 2010 Order, Complainants' respectfully request that this Court specifically identify the

"evidentiary material" submitted by Respondents and relied upon by this Court. Specifically, Complainants' respectfully request the date of the documents, the title of the documents, the number of pages of the documents, and the author of the documents, and finally a copy of the documents.

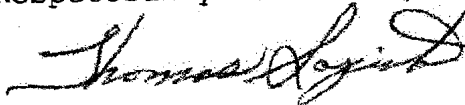
Complainants come before this Court represented *pro se* and seek the Court's assistance in responding to the dictates of this Court in the aforementioned Order. However, it is patently unfair and unjust for this Court to place Complainants at a clear disadvantage by requiring Complainants to respond to "unknown and non-described documents" submitted by Respondent to this Court and relied upon by this Court in fashioning the Court's January 25, 2010 Order for which this Court now commands a reply from Complainants. Therefore, Complainants respectfully request the assistance of this Court in providing a copy of any and all documents submitted by Respondent to this Court and relied upon by this Court in fashioning the Court's January 25, 2010 Order. In addition, Complainants' respectfully request an enlargement of time in which to reply to the Court's January 25, 2010 Order and no less than 15-days after Complainants take receipt of any documents provided to Complainants by this Court

as requested above.

CONCLUSION

FOR ALL THE ABOVE STATED REASONS, and in the interest and fairness to *pro se* Complainants, this Court should grant Complainants' Motion and provide a copy of the requested documents as described above and grant Complainants an enlargement of time in which to respond to the Court's January 25, 2010 Order accordingly.

Respectfully submitted,



Thomas Saporito, *pro se*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the foregoing document was provided to those identified below by means indicated on this

[] day of [], 2010.

Hon. Paul C. Johnson, Jr.
Administrative Law Judge
U.S. Department of Labor
Office of Administrative Law Judges
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By:


Thomas Saporito

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I HEREBY CERTIFY, that a copy of the foregoing document was provided to those identified below by means indicated on this

[*Two*] day of [*FEB*], 2010.

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By:


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