

Exhibit A

Send Result Report



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11/21/2022 18:00
[2XC_1000.002.101] [2XC_1100.001.002] [2XC_7200.001.008]

Job No.: 003476

Total Time: 0:00:51

Page: 0002

Complete

Document: doc00347620221121175920

HAWORTH
BARBER & BERSTMAN, LLC

505 Main Street, Suite 312, Hackensack, NJ 07601
201.851.1409 • Fax: 201.831.1401
www.hbarandb.com

Leila Peres
Paralegal
Direct: 201.831.1406
leila.peres@hbarandb.com

November 21, 2022

Via Facsimile: 973-299-7161

ATTN: Custodian of Records

United States Department of Labor
Occupational Safety and Health Administration
6 Upper Pond Road, Second Floor
Parsippany, New Jersey 07054

Re: *Kevin Freyer v. Terminal Construction Corporation*
Employer: Nordic Contracting Co. Inc.
Alleged Incident Date: September 20, 2021
Location: Frank J. Guarini Justice Complex 20-834, Jersey City, New Jersey
Our File No.: 571-2290

Dear Sir or Madam:

This firm is counsel for Terminal Construction Corporation with regards to the above-referenced matter.

Pursuant to the Freedom of Information Act, we hereby request that your office provide the following, regarding an incident that occurred Frank J. Guarini Justice Complex 20-834, Jersey City, New Jersey on September 20, 2021 ("the Incident"):

1. Certified copies of all inspection, investigatory and other reports regarding the Incident.
2. Certified copies of all violations, citations, fines and/or any other penalties issued to any entity or individual referring or relating to the Incident.
3. Color copies and digital files of all photographs and/or videos taken by any representative of your agency in connection with the Incident and any related investigation and/or inspection.
4. All notes prepared in connection with any investigation of the Incident.
5. The name and badge or other identifying code or number of all persons who participated in the investigation of the Incident.
6. All correspondence received by or sent by your agency referring or relating to the Incident.

New York Office: 45 Remondway, Suite 2110, New York, NY 10006 Tel: 212.952.1100 Fax: 212.952.1110

No.	Date/Time	Destination	Times	Type	Result	Resolution/ECM
001	11/21/22 18:00	19732997161	0:00:51	FAX	OK	200x100 Normal/Off



505 Main Street, Suite 212, Hackensack, NJ 07601
201.831.1400 • Fax: 201.831.1401
www.hbandglaw.com

Leila Peres
Paralegal
Direct: 201.831.1406
leila.peres@hbandglaw.com

November 21, 2022

Via Facsimile: 973-299-7161

ATTN: Custodian of Records

United States Department of Labor
Occupational Safety and Health Administration
6 Upper Pond Road, Second Floor
Parsippany, New Jersey 07054

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Employer: Nordic Contracting Co. Inc.

Alleged Incident Date: September 20, 2021

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4. All notes prepared in connection with any investigation of the Incident.
5. The name and badge or other identifying code or number of all persons who participated in the investigation of the Incident.
6. All correspondence received by or sent by your agency referring or relating to the Incident.

November 21, 2022

Page 2

7. A copy of your agency's entire file regarding the Incident.
8. All records in your agency's possession regarding the Incident.

We will reimburse you for all reasonable copying and mailing charges. Please do not hesitate to contact me at (201) 831-1406 if you have any questions.

Thank you for your time and attention to this matter.

Very truly yours,

/s/ Leila Peres

Leila Peres
Haworth Barber & Gerstman, LLC

Exhibit B

From: Mack, Herbert - OSHA <Mack.Herbert@dol.gov>
Sent: Friday, July 21, 2023 4:02 PM
To: Leila Peres
Cc: Scott Haworth; Joseph Fanning
Subject: RE: [External] Request No.: 2023-F-01759

This is confirmation that I am in receipt of your email. I will forward to appropriate parties for response.

Herbert S. Mack
Compliance Safety & Health Officer
USDOL/OSHA
Occupational Safety and Health Administration
6 Upper Pond Road, 2nd Floor
Parsippany, NJ 07054
Office 973 263-1003 Direct: 862-286-3727
Fax 973 299-7161
Mack.herbert@dol.gov

From: Leila Peres <Leila.Peres@hbandglaw.com>
Sent: Friday, July 21, 2023 3:56 PM
To: Mack, Herbert - OSHA <Mack.Herbert@dol.gov>
Cc: Scott Haworth <Scott.Haworth@hbandglaw.com>; Joseph Fanning <Joseph.Fanning@hbandglaw.com>
Subject: Request No.: 2023-F-01759

CAUTION: This email originated from outside of the Department of Labor. Do not click (select) links or open attachments unless you recognize the sender and know the content is safe. Report suspicious emails through the "Report Phishing" button on your email toolbar.

Dear Mr. Herbert,

Pursuant to your request, attached is the FOIA request we previously submitted. Please advise when the file will be released as the original delivery time of 5/31/2023 and the extension to 6/21/2023 have already lapsed.

Thank you.

Leila Peres
Paralegal

HAWORTH
BARBER & GERSTMAN, LLC

505 Main Street, Suite 212

Hackensack, NJ 07601

201.831.1406 *direct* | 201.831.1400 *ph* | 201.831.1401 *fx*

www.hbandglaw.com

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Exhibit C

From: Leila Peres
Sent: Tuesday, October 10, 2023 4:32 PM
To: Mack, Herbert - OSHA
Cc: Scott Haworth; Joseph Fanning
Subject: RE: Request No.: 2023-F-01759

Good Afternoon,

I am following up with the below request. We still do not have the requested records. Is there an update?

Thank you.

Leila Peres
Paralegal

HAWORTH
BARBER & GERSTMAN, LLC

505 Main Street, Suite 212
Hackensack, NJ 07601
201.831.1406 *direct* | 201.831.1400 *ph* | 201.831.1401 *fx*
www.hbandglaw.com

From: Leila Peres
Sent: Wednesday, September 20, 2023 10:25 AM
To: 'Mack, Herbert - OSHA' <Mack.Herbert@dol.gov>
Cc: Scott Haworth <Scott.Haworth@hbandglaw.com>; Joseph Fanning <Joseph.Fanning@hbandglaw.com>
Subject: Request No.: 2023-F-01759

Good Morning,

I am following up with the below request. We still do not have the requested records. Is there an update?

Thank you.

Leila Peres
Paralegal

HAWORTH
BARBER & GERSTMAN, LLC

505 Main Street, Suite 212
Hackensack, NJ 07601
201.831.1406 *direct* | 201.831.1400 *ph* | 201.831.1401 *fx*
www.hbandglaw.com

From: Leila Peres
Sent: Thursday, August 24, 2023 5:21 PM
To: 'Mack, Herbert - OSHA' <Mack.Herbert@dol.gov>
Cc: Scott Haworth <Scott.Haworth@hbandglaw.com>; Joseph Fanning <Joseph.Fanning@hbandglaw.com>
Subject: RE: [External] Request No.: 2023-F-01759

Good Afternoon,

I am following up with the below request. We still do not have the requested records. Is there an update?


Thank you.

Leila Peres
Paralegal

HAWORTH
BARBER & GERSTMAN, LLC

505 Main Street, Suite 212
Hackensack, NJ 07601
201.831.1406 *direct* | 201.831.1400 *ph* | 201.831.1401 *fx*
www.hbandglaw.com


Exhibit D

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>												
<p>1. Article Addressed to:</p> <p><i>United States Department of Labor OSHA 6 Upper Pond Rd. Shop A Hopkinton, NJ 07057</i></p>	<p>B. Received by (Printed Name) <i>Randy Riley</i> C. Date of Delivery <i>5-26</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>												
<p> 9590 9402 5391 9189 9415 33</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™												
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery												
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise												
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™												
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
<p>2. Article Number (Transfer from service label) 7019 2280 0000 8022 9914</p>													

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

USPS TRACKING#


 9590 9402 5391 9189 9415 33

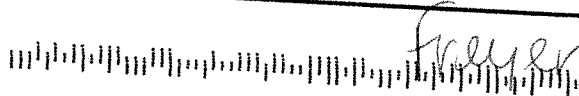


First-Class Mail
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United States
 Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Haworth Barber & Gerstman, LLC
 505 Main Street, Suite 212
 Hackensack, New Jersey 07601





505 Main Street, Suite 212, Hackensack, NJ 07601
Phone: 201.831.1400 Fax: 201.831.1401
www.hbandglaw.com

Joseph Fanning
Associate
Direct: 201.831.1409
Joseph.Fanning@hbandglaw.com

February 22, 2024

Via Certified Mail: 70192280000080229914

ATTN: Custodian of Records

United States Department of Labor
Occupational Safety and Health Administration
6 Upper Pond Road, 2nd floor
Parsippany, New Jersey 07054

Re: *Freyer, K v. Terminal Construction Corporation et al*
Docket No.: HUD-L-3231-23
File No.: 571-2290

Dear Sir or Madam:

This firm represents defendant Terminal Construction Corporation with regards to the above-referenced matter.

Enclosed for service please find a Subpoena Duces Tecum. Please sign the Acknowledgment of Service pursuant to R. 1:9-3 and return it to my attention.

Should you have any questions, feel free to contact me at (201) 831-1400.

Very truly yours,

A handwritten signature in cursive script that reads "Joseph D. Fanning".

Joseph Fanning
Haworth Barber & Gerstman, LLC

JF/lp
Encl.
Cc:

Barry R. Eichen, Esq.
Eichen Crutchlow Zaslow, LLP
40 Ethel Road
Edison, New Jersey 08817

HAWORTH BARBER & GERSTMAN, LLC
Joseph D. Fanning, Esq. Attorney ID: 028252008
505 Main Street, Suite 212
Hackensack, New Jersey 07601
Telephone: (201) 831-1400
Facsimile: (201) 831-1401
Attorneys for Defendant/Third-Party Plaintiff
Terminal Construction Corporation

-----X
KEVIN FREYER and his wife, LAURA ROBERTS

Plaintiff(s),

vs.

NORDIC CONTRACTING COMPANY, INC.,
TERMINAL CONSTRUCTION CORPORATION,
STATE OF NEW JERSEY, CITY OF JERSEY
CITY, COUNTY OF HUDSON, HUDSON
COUNTY IMPROVEMENT AUTHORITY, JUDD
SHAW INJURY LAW, JUDD SHAW, ESQ.
INDIVIDUALLY, SIGNATURE SAFETY, LLC,
DOKA USA, LTD., JOHN DOES 1-100
(represents a class of Defendants who are
presently unknown or unknowable at present and
responsible for the safety, supervision, work,
repair, up-keep, maintenance and design of the
problem at issue or employed those that do), and
ABC, INC. 1-100 (represents a class of
Defendants who are presently unknown and
unknowable at present and responsible for the
safety, supervision, repair, up-keep, maintenance
and design of the problem at issue or employed
those that do), JOSEPH DOES, AND
XYZCORPORATION 1-100 (names of persons
and/or entities unknown,

Defendants.

-----X
TERMINAL CONSTRUCTION CORPORATION,

Third-Party Plaintiff,

vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY

CIVIL ACTION

DOCKET NO.: HUD-L-3231-23

SUBPOENA DUCES TECUM

SIGNATURE SAFETY, LLC; DOKA USA, LTD.,

Third-Party Defendants

-----X

TO:

ATTN: Custodian of Records
United States Department of Labor
Occupational Safety and Health Administration
6 Upper Pond Road, 2nd floor
Parsippany, New Jersey 07054

GREETINGS:

WE COMMAND YOU, that all business and excuses being laid aside, you and each of you appear at the offices of Haworth Barber & Gerstman, LLC, 505 Main Street, Suite 212, Hackensack, New Jersey 07601, on the **7th day of March, 2024** at 10:00 o'clock in the forenoon and at any recessed or adjourned date to produce in this action on the part of Defendant/Third-Party Plaintiff Terminal Construction Corporation, at the time and place aforesaid, certified copies of the following pertaining to the incident that occurred at the construction site of the Frank J. Guarini Justice Complex, located at 595 Newark Avenue, Jersey City, New Jersey on September 20, 2021:

1. Certified copies of all inspection, investigatory and other reports regarding the Incident.
2. Certified copies of all violations, citations, fines and/or any other penalties issued to any entity or individual referring or relating to the Incident.
3. Color copies and digital files of all photographs and/or videos taken by any representative of your agency in connection with the Incident and any related investigation and/or inspection.
4. All notes prepared in connection with any investigation of the Incident.
5. The name and badge or other identifying code or number of all persons who participated in the investigation of the Incident.

6. All correspondence received by or sent by your agency referring or relating to the Incident.
7. A copy of your agency's entire file regarding the Incident.
8. All records in your agency's possession regarding the Incident.

Certified copies and hard copies only

PLEASE TAKE FURTHER NOTICE that failure to comply with this subpoena is punishable as a contempt of Court and shall make you liable to the person on whose behalf this subpoena was issued for a penalty not to exceed fifty dollars (\$50.00) and all damages sustained by reason of your failure to comply.

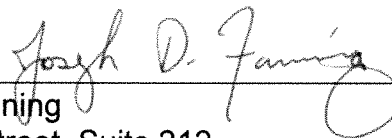
PERSONAL APPEARANCE IS NOT NECESSARY

/s/ Michelle M. Smith

Michelle M. Smith, Esq., Clerk
Superior Court of New Jersey

Dated: February 22, 2024

HAWORTH BARBER & GERSTMAN, LLC



Joseph Fanning
505 Main Street, Suite 212
Hackensack, New Jersey 07601
Telephone: (201) 831-1400
Facsimile: (201) 831-1401
Attorneys for Defendant/Third-Party Plaintiff
Terminal Construction Corporation

Cc:

ALL COUNSEL OF RECORD

HAWORTH BARBER & GERSTMAN, LLC
Joseph Fanning Attorney ID: 028252008
505 Main Street, Suite 212
Hackensack, New Jersey 07601
Telephone: (201) 831-1400
Facsimile: (201) 831-1401
Attorneys for Defendant/Third-Party Plaintiff
Terminal Construction Corporation

-----X
KEVIN FREYER and, his wife, LAURA
ROBERTS

Plaintiffs

-vs.-

NORDIC CONTRACTING COMPANY, INC.,
TERMINAL CONSTRUCTION
CORPORATION, STATE OF NEW JERSEY,
CITY OF JERSEY CITY, COUNTY OF
HUDSON, HUDSON COUNTY
IMPROVEMENT AUTHORITY, JUDD SHAW
INJURY, JUDD SHAW, ESQ. INDIVIDUALLY,
JOHN DOES 1-100 (represents a class of
defendants who are presently unknown or
unknowable at present and responsible for the
safety, supervision, work repair, up-keep,
maintenance and design of the problem at
issue or employed those that do) and ABC,
INC. 1-100 (represents a class of defendants
who are presently unknown or unknowable at
present and responsible for the safety,
supervision, work repair, up-keep,
maintenance and design of the problem at
issue or employed those that do), JOSEPH
DOES 1-100, and XYZ CORPORATION 1-100
(names of persons and/or entities unknown,

Defendants

-----X
TERMINAL CONSTRUCTION
CORPORATION,

Third-Party Plaintiff,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – HUDSON COUNTY

DOCKET NO.: HUD-L-3231-23

CIVIL ACTION

**ACKNOWLEDGMENT OF SERVICE
PURSUANT TO R. 1:9-3**

vs.

SIGNATURE SAFETY, LLC; DOKA USA,
LTD.,

Third-Party Defendants

-----x

The undersigned, _____, hereby acknowledges receipt of the annexed subpoena and waives personal service of the same.

Dated: _____

Signature