



Issue Date: 12 September 2006

CASE NO. 2006-SOX-0104

In the Matter of:

Stella Acosta,
Complainant,

vs.

James Hardie Industries, N.V.,
Respondent.

Final Order Approving Settlement

This proceeding arises from a complaint that alleged violations of the employment protection provisions of section 806 of the Sarbanes-Oxley Act of 2002, 18 U.S.C. 1514A (the "SOX Act"). The parties submitted a "Separation Agreement and General Release" (the "Agreement") that became fully executed on August 30, 2006. It resolves the SOX Act complaint, and contains provisions that relate to other statutes. I have no authority to review or approve those provisions; this order expresses no view about them.

I have reviewed the parties' Agreement as it pertains to the SOX complaint, as 29 C.F.R. § 1980.111(d)(2) requires, and make the following findings:

1. The Agreement appears to be fair and reasonable on its face and to effectuate the purposes and policies of the SOX Act.
2. The provision of ¶ 17 (that the Agreement shall be interpreted, enforced and governed under the laws of the State of California) applies California law to this federal cause of action only to the extent appropriate under the Rules of Decisions Act, 28 U.S.C. § 1652.
3. The parties are deemed to have waived any further proceedings before the U.S. Department of Labor regarding the matters that are the subject of their Agreement, and the Complainant to have withdrawn her complaint under ¶ 3 of the Agreement.
4. This order has the same force and effect as one made after a full hearing on the merits.

Based on the foregoing, and in accordance with the parties' Agreement, it is ordered that:

1. The Agreement is approved.
2. The SOX Act complaint is dismissed with prejudice.

A

William Dorsey
Administrative Law Judge