

U.S. Department of Labor

Office of Administrative Law Judges
2 Executive Campus, Suite 450
Cherry Hill, NJ 08002

(856) 486-3800
(856) 486-3806 (FAX)



Issue Date: 18 September 2019

Case Nos.: 2015-AIR-00032
2015-SOX-00029

In the Matter of

LAWRENCE MEADOWS

Complainant

v.

AMERICAN AIRLINES

Respondent

ORDER DISMISSING COMPLAINTS

This matter is a consolidated proceeding that arises under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (“AIR 21”), which was signed into law on April 5, 2000, and Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002, 18 U.S.C. § 1514A (“SOX”). AIR 21 implementing regulations are found at 29 CFR Part 1979. Applicable regulations under SOX are contained in 29 C.F.R. Part 1980. Per 49 U.S.C. § 42121(b)(2)(A), and as implemented by 29 CFR § 1979.100(b), the hearing in this matter is to commence expeditiously, except upon a showing of good cause or other agreement by the parties. Both Acts include a whistleblower protection provision with a Department of Labor complaint procedure. The full procedural history in this case is set forth in prior Orders.

By Order dated November 17, 2016, the Tribunal granted Complainant’s request for a continuance pending resolution of Respondent’s bankruptcy proceedings. On June 19, 2019, the undersigned issued an Order Transferring Case to the National Office Docketing Section, to be held in abeyance until the bankruptcy claim is adjudicated.

On August 23, 2019, Respondent informed OALJ that Complainant’s bankruptcy claim had been finally adjudicated. Specifically, Respondent noted that the Bankruptcy Court had issued an injunction against Complainant on May 16, 2016, directing him to dismiss or withdraw of his actions against Respondent.¹ Complainant had appealed this injunction to the Second

¹ Respondent attached a copy of this Order to its letter.

Circuit, which affirmed that order on April 9, 2019.² Respondent asserted that Complainant's deadline for filing a petition for Writ of Certiorari with the United States Supreme Court expired on July 8, 2019. Because Complainant's appeals had been exhausted, Respondent requested that Complainant's action be dismissed with prejudice.

Also on August 23, 2019, this matter was transferred back to the undersigned for adjudication of Respondent's request. Complainant has not filed a response to Respondent's motion.

The Tribunal finds Respondent's request for dismissal to be meritorious. The Second Circuit has rejected Complainant's appeal from a district court judgement that affirmed the bankruptcy court's orders enforcing a plan and confirmation order—in AMR Corporation's Chapter 11 bankruptcy petition—against Meadows and denying reconsideration. As that Summary Order issued on April 9, 2019, and Complainant's sixty days for appeal to the Supreme Court have expired (*see* 28 U.S.C. § 2101(b)), the Bankruptcy Court's May 16, 2016 Order directing Complainant to dismiss these actions has become final. Accordingly, Respondent's request for dismissal is hereby GRANTED.

These matters are DISMISSED with prejudice.

SO ORDERED

SCOTT R. MORRIS
Administrative Law Judge

Cherry Hill, NJ

² A copy of the Second Circuit's decision is available at:
http://www.ca2.uscourts.gov/decisions/isysquery/6dd95eea-3339-40cc-a9de-83b0c5e85fb7/1/doc/18-753_so.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/6dd95eea-3339-40cc-a9de-83b0c5e85fb7/1/hilite/.