



Issue Date: 05 November 2020

Case No.: 2020-AIR-00014

In the Matter of

ERIC FILTER

Complainant

v.

S3 INTERNATIONAL, LLC

Respondent

ORDER APPROVING SETTLEMENT AGREEMENT

This matter 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. The Act includes a whistleblower protection provision, with a Department of Labor complaint procedure.¹ Implementing regulations are at 29 C.F.R. Part 1979, published at 68 Fed. Reg. 14,107 (Mar. 1, 2003).

On November 4, 2020, Complainant submitted “Complainant’s Unopposed Motion for Approval of Settlement Agreement and Dismissal.” Complainant enclosed a “Standard Confidential Settlement Agreement and General Release (STA)” (hereinafter “Settlement Agreement”). The Settlement agreement is signed by Mr. Eric Filter (Complainant), Mr. Paul Schinner (Complainant’s Counsel), Mr. Aksel Sidem (Respondent’s representative), and Ms. Christina Katt (Respondent’s Counsel).

This Tribunal finds that the proposed Settlement Agreement is proper, and approves it with some caveats. First, language in the Settlement Agreement provides that it shall be governed by the laws of the State of Wisconsin. *See* Paragraph 16. Per 49 U.S.C. § 42121(b)(6), the appropriate United States District Court shall have jurisdiction, without regard to the citizenship of the parties, to enforce final orders issued under the Department of Labor’s complaint procedure. To the extent Paragraph 16 is inconsistent with this statute, that paragraph is void and unenforceable.

Second, the language in the Settlement Agreement purports to release, acquit, or otherwise address claims or potential claims that far exceed the statute involved in this action.

¹ Pub. L. 106-181, tit. V, § 519(a), Apr. 5, 2000, 114 Stat. 145. *See* 49 U.S.C. § 42121

See Paragraphs 4 and 21. The Tribunal limits its review to the asserted whistleblower claims only, as anything beyond that limitation exceeds this Tribunal's jurisdiction.

ORDER

1. The parties' requests to approve their Settlement Agreement and dismiss their AIR 21 claim are **GRANTED**. However, the parties are advised that this Tribunal does not bind the parties to the provisions in Paragraphs 4 and 21, which are beyond its jurisdiction.
2. The proposed Settlement Agreement is fair and reasonable as to the claims under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. None of the terms are against the public interest. The proposed Settlement Agreement is **APPROVED**, and the parties are **ORDERED** to comply with its terms.

The above matter is **DISMISSED** with prejudice.

SO ORDERED

SCOTT R. MORRIS
Administrative Law Judge

Cherry Hill, New Jersey