



**Issue Date: 25 April 2019**

Case No.: 2018-FDA-00006

In the Matter of

**ANTHONY VENERONI**

Complainant

v.

**FOOD PARADE, INC.**

Respondent

**ORDER APPROVING SETTLEMENT AGREEMENT**

This case arises from a claim for compensation pursuant to Section 402 of the FDA Food Safety Modernization Act, P.L. 111-353 (Jan. 4, 2011), codified at Federal, Food, Drug, and Cosmetic Act, 21 U.S.C. § 399d, its implementing regulations found at 29 C.F.R. Part 1987 and the interim final rule at 798 Fed. Reg. 8619 (Feb. 13, 2014).

Under cover letter dated and received via facsimile on March 1, 2019, counsel for Complainant and counsel for Respondent submitted a Proposed Confidential Settlement Agreement and General Release (“Settlement Agreement”).

The Settlement Agreement includes a confidentiality provision limiting certain disclosures of its terms by the parties. Nonetheless, the records in this proceeding are subject to disclosure under the Freedom of Information Act (“FOIA”). *See* 5 U.S.C. § 552; *Johnson v. U.S. Bancorp*, ARB No. 13-014, 13-046, ALJ No. 2010-SOX-00037, slip op. at 2 (ARB July 22, 2013). The Department of Labor will follow appropriate pre-disclosure notification procedures to address any assertion that an exemption to FOIA applies.<sup>1</sup> Beyond that, nothing about the parties’ characterization of the Settlement Agreement changes the public nature of the records which OALJ maintains in this case.

Upon my review of the parties’ Settlement Agreement and pursuant to 42 U.S.C. § 5851(b)(2)(A), I find the terms of the agreed settlement is fair, equitable, adequate and reasonable and was not procured by duress.

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<sup>1</sup> *See Seater v. Southern California Edison Co.*, 1995-ERA-13 (ARB March 27, 1997) (“If an exemption is applicable to the record in this case or any specific document in it, the Department of Labor would determine at the time a request is made whether to exercise its discretion to claim the exemption and withhold the document. If no exemption is applicable, the document would have to be disclosed.”)

The agreed settlement should be and is hereby approved.

**SO ORDERED.**

**THERESA C. TIMLIN**  
Administrative Law Judge

Cherry Hill, New Jersey