



Issue Date: 07 December 2018

CASE NO. 2018-FRS-00097

IN THE MATTER OF

JIM SCHMIDT

Complainant

v.

WATCO COMPANIES

d/b/a/ SOUTH KANSAS & OKLAHOMA RAILROAD

Respondent

**CONSENT ORDER DISPOSING OF THIS MATTER AND
ORDER OF DISMISSAL WITH PREJUDICE**

COME NOW, Complainant Jim Schmidt and Respondent(s) Watco Companies, LLC and/or South Kansas & Oklahoma Railroad, LLC, pursuant to the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges, Rule of Practice 18.9(b), and enter into this Consent Order Disposing of this Matter and Order of Dismissal with Prejudice of the above-captioned matter. Complainant Jim Schmidt and Respondent(s) Watco Companies, LLC and/or South Kansas & Oklahoma Railroad, LLC hereby consent to the dismissal of this action or matter, and further specifically agree as follows:

1. That the parties – Complainant Jim Schmidt and Respondent(s) Watco Companies, LLC and/or South Kansas & Oklahoma Railroad, LLC - have reached a settlement of this contested case or matter.

2. That this Consent Order Disposing of this Matter and Order of Dismissal with Prejudice shall have the same force and effect as an Order made after a full hearing.

3. That the entire record on which This Consent Order Disposing of this Matter and Order of Dismissal with Prejudice is based consists solely of the complaint, response, order of reference, and the parties' confidential Settlement and Release Agreement.

4. That the parties - Complainant Jim Schmidt and Respondent(s) Watco Companies, LLC and/or South Kansas & Oklahoma Railroad, LLC - waive any further procedural steps before the United States Department of Labor's Office of Administrative Law Judges, including the Administrative Law Judge assigned to this matter, Judge Patrick M. Rosenow, Administrative Law Judge.

5. That the parties - Complainant Jim Schmidt and Respondent(s) Watco Companies, LLC and/or South Kansas & Oklahoma Railroad, LLC - waive any further procedural steps, including review or appeal of this matter or of this Order to any Court, state or federal, or the United States Department of Labor's Administrative Review Board.]

6. That the parties - Complainant Jim Schmidt and Respondent(s) Watco Companies, LLC and/or South Kansas & Oklahoma Railroad, LLC - waive any right to challenge or contest the validity of this Order.

7. That the parties - Complainant Jim Schmidt and Respondent(s) Watco Companies, LLC and/or South Kansas & Oklahoma Railroad, LLC - waive any right to challenge or contest the validity of this Order which is being entered into in accordance with their Settlement and Release Agreement.

8. That the parties - Complainant Jim Schmidt and Respondent(s) Watco Companies, LLC and/or South Kansas & Oklahoma Railroad, LLC - specifically recognize that this Order contains all required elements of Rule of Practice 18.9(b)(1-4) of the Rules of Practice and Procedure for Administrative Hearing Before the Office of Administrative Law Judges and that each and every one of those required elements is specifically agreed to by the parties.

9. That the Secretary's Finding letter, dated May 22, 2018, and all determinations made therein were true, correct and accurate in all respects.

10. That the Settlement and Release Agreement entered into by Complainant Jim Schmidt and Respondent(s) Watco Companies, LLC and/or South Kansas & Oklahoma Railroad, LLC, which is attached hereto as Ex. "I," is incorporated into this Order by reference and becomes part of this Order as if it were set forth herein in its entirety.

11. That the Settlement and Release Agreement entered into by Complainant Jim Schmidt and Respondent(s) Watco Companies, LLC and/or South Kansas & Oklahoma Railroad, LLC is confidential and that the Settlement and Release Agreement entered into by Complainant Jim Schmidt and Respondent(s) Watco Companies, LLC and/or South Kansas & Oklahoma Railroad, LLC, which is attached hereto as Ex. "I," is ordered sealed and not subject to public viewing or review.

12. That this matter or case should be and is hereby dismissed, **with prejudice**, as of the date of the entry of this Consent Order Disposing of this Matter and Order of Dismissal with Prejudice appearing below.

In view of the foregoing, the hearing scheduled on **30 Jan 19** in **Tulsa, Oklahoma**

ORDERED this 7th day of December, 2018 at Covington, Louisiana.

PATRICK M. ROSENOW
Administrative Law Judge