

U.S. Department of Labor

Office of Administrative Law Judges
90 Seventh Street, Suite 4-800
San Francisco, CA 94103-1516

(415) 625-2200
(415) 625-2201 (FAX)



Issue Date: 03 April 2017

CASE NO.: 2016-OFC-00001

In the Matter of:

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS,
U.S. DEPARTMENT OF LABOR,
Plaintiff,

vs.

PILGRIM'S PRIDE CORPORATION,
Defendant.

ORDER DISMISSING COMPLAINT

This matter involves an administrative complaint filed by the Office of Federal Contract Compliance Programs, U.S. Department of Labor ("OFCCP") against Pilgrim's Pride Corporation to enforce contractual obligations imposed by Executive Order No. 11246 (39 Fed. Reg. 12319), as amended by Executive Order No. 11375 (32 Fed. Reg. 14303), and Executive Order No. 12086 (43 Fed. Reg. 46501), and the implementing regulations at 41 C.F.R. §§ 60-1 *et. seq.* In particular, OFCCP alleged that Pilgrim's Pride used discriminatory hiring practices at its Marshville, North Carolina plant between July 1, 2007 and June 30, 2008. Upon the joint motion of the parties, on July 25, 2016, I issued an Order Staying Case while Pilgrim's Pride sought to reopen its case in the United States Bankruptcy Court for the Northern District of Texas and enforce the confirmation order, which, if successful, would resolve this complaint. The stay was thereafter extended while the issue was litigated in Bankruptcy Court.

On February 24, 2017, Pilgrim's Pride filed notice of the Bankruptcy Court's February 15, 2017, Consent Order Granting Reorganized Debtor's Motion to Reopen the Case and Order Granting in Part and Denying in Part Reorganized Debtor's Motion to Enforce Confirmation Order. As relevant here, the Bankruptcy Court held that except for one of OFCCP's requests for injunctive relief, the claims in this matter had been discharged or disallowed in the bankruptcy proceeding. In its February 24, 2017, notice, Pilgrim's Pride stated that it would be conferring with OFCCP to determine the next steps in this case. On February 27, 2017, I ordered the parties to file an additional status report by March 17, 2017. On March 13, 2017, Pilgrim's Pride filed a status report indicating that OFCCP had indicated that it would soon file a motion to dismiss.

On March 27, 2017, OFCCP filed a Joint Stipulation of Dismissal signed by counsel for both parties. Accordingly, it is hereby ORDERED that that the above caption proceeding is DISMISSED.

JENNIFER GEE
Administrative Law Judge