



Issue Date: 25 January 2005

In the Matter of

DANIEL WALLACE
Claimant

v.

ROUTEONE, LLC
FORD MOTOR CREDIT CORP.
GENERAL MOTORS ACCEPTANCE CORP.
DAIMLER CHRYSLER SERVICES NORTH AMERICA
Respondents

Case No.: 2005-SOX-00004

ORDER OF DISMISSAL

On December 14, 2004, the complainant filed a motion to have this claim under the Sarbanes-Oxley Act withdrawn, stating that the parties “have entered into a resolution of it.” As detailed in my *Order* dated January 6, 2005, this motion initiated a chain of miscommunications between the parties and this Office, leading me to inform the parties that I could not grant the motion to dismiss absent receipt of a fully executed settlement agreement of the Sarbanes-Oxley Act case. Earlier today, I held a conference call with counsel, and all the miscommunications were straightened out.

The situation turns out to be relatively simple. The complainant filed claims against RouteOne, GMAC, Ford Credit and Chrysler Financial regarding his termination from RouteOne’s employ under both State law and the Sarbanes-Oxley Act. The parties settled the State law claim, and a written settlement and release agreement was executed by the complainant on December 29, 2004. Complainant is satisfied with the relief obtained through the settlement, and accordingly the Sarbanes-Oxley Act case is now moot.

Under 29 C.F.R. §1980.111(c), a party may withdraw his objections to OSHA’s determination at any time prior to to the time OSHA’s determination becomes final. Although that section goes on to state that “if the objections [to OSHA’s determination] are withdrawn because of a settlement, the settlement will be approved in accordance with paragraph (d) of this

section”, it is clear from paragraph (d) that this refers to a settlement of the Sarbanes-Oxley Act case, not the settlement of a contemporaneous State claim. Therefore, complainant’s motion to dismiss the Sarbanes-Oxley Act case as moot appears proper, and

IT IS ORDERED that this case is dismissed with prejudice.

A

JEFFREY TURECK
Administrative Law Judge