

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 31 March 2011**

Case No.: 2011-SOX-00015

In the Matter of

**CONSTANTINE DEMOPOLOUS and  
MICHAEL FONTAINE**

Complainants

v.

**DEUTSCHE BANK SECURITIES, INC.,  
DEUTSCHE BANK AKTIENGESELLSCHAFT,  
BRETT KELLAM, HAIG ARIYAN and  
THOMAS BOWERS**

Respondents

**ORDER OF DISMISSAL**

This matter arises from complaints of discrimination filed under § 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002, 18 U.S.C. § 1514A, and the regulations found at 29 C.F.R. Part 1980. All parties are represented by counsel.

By letter dated March 28, 2011, counsel for the Complainants requested dismissal of this matter, without prejudice.<sup>1</sup> Counsel's letter also stated that the parties had agreed to arbitrating the Complainants' claims under FINRA (Financial Industry Regulatory Authority), and that Respondents did not oppose the request for dismissal.

Accordingly, I DISMISS this matter. As requested by the Complainants, without opposition from the Respondent, the matter is dismissed without prejudice.

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<sup>1</sup> Previously, by letter dated March 24, 2011, counsel for the Complainants informed me that the parties had agreed to arbitration of the Complainants' claims at FINRA, and stated: "The hearing on Complainants' objections to the Secretary's Findings and Order thus will not go forward, as the parties will be litigating Complainants' Sarbanes-Oxley claims in the FINRA arbitration".

SO ORDERED.

**A**

Adele H. Odegard  
Administrative Law Judge

Cherry Hill, New Jersey

**NOTICE OF APPEAL RIGHTS:** To appeal, you must file a Petition for Review (“Petition”) with the Administrative Review Board (“Board”) within ten (10) business days of the date of the administrative law judge’s decision. *See* 29 C.F.R. § 1980.110(a). The Board’s address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. In addition to filing your Petition for Review with the Board at the foregoing address, an electronic copy of the Petition may be filed by e-mail with the Board, to the attention of the Clerk of the Board, at the following e-mail address: ARB-Correspondence@dol.gov.

Your Petition is considered filed on the date of its postmark, facsimile transmittal, or e-mail communication; but if you file it in person, by hand-delivery or other means, it is filed when the Board receives it. *See* 29 C.F.R. § 1980.110(c). Your Petition must specifically identify the findings, conclusions or orders to which you object. Generally, you waive any objections you do not raise specifically. *See* 29 C.F.R. § 1980.110(a).

At the time you file the Petition with the Board, you must serve it on all parties as well as the Chief Administrative Law Judge, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8002. The Petition must also be served on the Assistant Secretary, Occupational Safety and Health Administration and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, DC 20210.

You must file an original and four copies of the petition for review with the Board, together with one copy of this decision. In addition, within 30 calendar days of filing the petition for review you must file with the Board: (1) an original and four copies of a supporting legal brief of points and authorities, not to exceed thirty double-spaced typed pages, and (2) an appendix (one copy only) consisting of relevant excerpts of the record of the proceedings from which the appeal is taken, upon which you rely in support of your petition for review.

Any response in opposition to a petition for review must be filed with the Board within 30 calendar days from the date of filing of the petitioning party’s supporting legal brief of points and authorities. The response in opposition to the petition for review must include: (1) an original and four copies of the responding party’s legal brief of points and authorities in opposition to the petition, not to exceed thirty double-spaced typed pages, and (2) an appendix (one copy only) consisting of relevant excerpts of the record of the proceedings from which

appeal has been taken, upon which the responding party relies, unless the responding party expressly stipulates in writing to the adequacy of the appendix submitted by the petitioning party.

Upon receipt of a legal brief filed in opposition to a petition for review, the petitioning party may file a reply brief (original and four copies), not to exceed ten double-spaced typed pages, within such time period as may be ordered by the Board.

If no Petition is timely filed, the administrative law judge's decision becomes the final order of the Secretary of Labor pursuant to 29 C.F.R. § 1980.109(c). Even if you do file a Petition, the administrative law judge's decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days after the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R. §§ 1980.109(c) and 1980.110(a) and (b).