



Issue Date: 03 September 2014

CASE NO. 2014-SOX-00008

**JAMES CATON,
Complainant,**

vs.

AVIALL CORP.,

and

**BOEING CORP., INC.,
Respondents**

ORDER GRANTING MOTION TO WITHDRAW

This matter involves a complaint under the whistleblower protection provisions of the Sarbanes-Oxley Act of 2002 (the Act)¹ and the regulations promulgated thereto,² brought by Complainant against Respondents. After an initial conference call in February 2014, I issued a scheduling order setting a discovery and motion timeline and the hearing for 21 Oct 14. After Complainant filed his complaint, Respondent filed a Motion to Dismiss.³ When Complainant did not file an answer to that Motion, on 21 May 14, I held a status teleconference. Complainant stated that he believed he had a strong case, but it was difficult for him to respond without a lawyer. I allowed Complainant 30 days to either find counsel or file his response to the Motion.

When the thirty days expired with Complainant having done neither, I conducted another conference call during which he stated that it was too difficult for him to represent himself and he intended to try to reach a settlement with Respondent or file anew in Federal District Court. On 21 Aug 14, he then filed a request to withdraw his request for a hearing before DOL in order to pursue the same cause of action in Federal District Court. The motion to withdraw is granted and the case is dismissed.

¹ 18 U.S.C. § 1514A *et seq.*

² 29 C.F.R. Part 1980.

³ Fed. Rules of Civ. Pro. 12(b)(6).

In view of the foregoing, the hearing scheduled on **21 Oct 14** in **Dallas, Texas** is hereby **CANCELLED**.

So ORDERED.

PATRICK M. ROSENOW
Administrative Law Judge