

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: 30 NOVEMBER 2015

OALJ CASE NO.: 2015-SOX-00011
OSHA CASE NO.: 9-3290-15-026
9-3290-15-029

IN THE MATTER OF

RANDALL PITTMAN,
COMPLAINANT,

VS.

**BANK OF AMERICA CORPORATION,
HEWLETT PACKARD COMPANY,
INSIGHT GLOBAL, INC.,
DAVID ROTMAN,
MARK S. RUDY,
JEFFREY KRIVIS,
ERIC GREEN,
KEVIN T. BARNES,
SPIRO LAW CORPORATION,
GREGORY N. KARASIK.,
MOORE & LEVIANT, LLP
INITIATIVE LEGAL GROUP,
CAPSTONE LAW GROUP, LLP,
RAYMOND NEWMAN,
SHELDON OSTROFF,
HUFFMAN & KOSTAS,
MARK YABLONAVICH,
GOLDSTEIN, BORGEN, DARDARIAN & HO, LLP,
STUEVE SIEGEL HANSON, LLP,
MARLIN & SALTZMAN, LLP,
LAW OFFICES OF PETER M. HART,
LAW OFFICES OF ERICH HOMIG,
LAW OFFICES OF KENNETH H. YOON,
LAW OFFICES OF MICHAEL TRACY, GROTHMAN ROSS,**

LIEF CABRASER HEIMANN & BERSTEIN,
HAGANS BERMAN SOBEL SHAPIRO, LLP,
PODHURST & ORSECK, LLP,
CADDELL & CHAPMAN,
DONELON, PC,
KESLUCK & SILVERSTEIN, PC,
BLUMENTHAL NORDERHAUG & BHOWMIK,
CH ELAND KHOURY & SINGER,
LAW OFFICES OF SHAUN SETERAH,
LAW OFFICES OF LOUIS BENWITZ,
RUST CONSULTING, INC.,
CHIJOKE IKONTE,
EMMANUEL AKUDINOBI,
DENICHI AGU
RESPONDENTS ¹

Order of Dismissal

This matter arises under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002 (the “Sarbanes-Oxley Act”) and the regulations at 29 C.F.R. Part 1980. The Complainant filed a complaint with Occupational Safety and Health Administration (“OSHA”) against the Respondents alleging the Respondents violated the Sarbanes-Oxley Act. The Secretary of Labor, acting through her agent, the Regional Administrator for OSHA, on March 4, 2015 issued determination letters dismissing the claims. The Complainant filed his objections to the determination and requested a hearing before an Administrative Law Judge.

On November 30, 2015, Complainant filed notice that he elected to pursue the matter in the federal district court.

¹ Complainant also names as respondents Does 1-100. Unlike California state procedure, the applicable federal procedures here do not provide for the naming of fictitious parties, and I have stricken them.

Accordingly, this matter is DISMISSED in its entirety as to all parties and all claims without prejudice on account of Complainant's election to pursue the matter in the federal district court. 18 U.S.C. §1514A(b)(1)(B); 29 C.F.R. §1980.114 as amended requires the Complainant to file here a stamped copy of the complaint within seven days after filing the complaint in district court.

SO ORDERED.

William Dorsey
Administrative Law Judge