



Issue Date: 06 December 2016

CASE NO.: 2016-SOX-00023

BROOK GASTER,
Complainant,

v.

EXELIS, INC.,
Respondent.

ORDER APPROVING SETTLEMENT

The hearing in this case was scheduled to begin on Monday, December 12, 2016; it was canceled upon the parties' representation that they had reached a settlement. On December 5, 2016, the parties filed their Joint Request for Dismissal and the signed settlement agreement for review pursuant to 29 C.F.R. § 1980.111(d)(2). Upon review of the settlement agreement, I find that its terms are fair, adequate, and reasonable, and do not contravene the public interest. However, it appears to be a global settlement purporting to dispose of claims in addition to the claim brought under employee-protection provisions of Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002, as amended ("SOX"), 18 U.S.C.A. § 1514A.¹ My authority to approve the settlement agreement is limited to matters that are before me – that is, to approve the settlement agreement only insofar as it resolves the complaint under SOX. My approval should not be construed as approval of the resolution of any claims brought under any other federal statute or under state law.

In addition, I construe paragraph 16, stating that the agreement and release "shall in all respects be interpreted, governed, and enforced under the laws of the Commonwealth of Virginia" as not limiting the authority of the Secretary of Labor and any Federal court, which shall be governed in all respects by the laws and regulations of the United States.²

¹ Settlement Agreement and General Release, ¶¶ 6-8.

² *Phillips v. Citizens' Ass'n for Sound Energy*, 1991-ERA-025, slip op. at 2 (Sec'y Nov. 4, 1991).

ORDER

Accordingly, with the reservations noted above and limiting my approval to the SOX claim, IT IS ORDERED:

1. The Confidential Settlement Agreement and Release is APPROVED; and
2. The complaint is DISMISSED.

SO ORDERED.

PAUL C. JOHNSON, JR.
District Chief Administrative Law Judge