



Issue Date: 28 March 2018

CASE NO.: 2018-SOX-00003

IN THE MATTER OF:

BABAR CHAUDRY
Complainant

v.

SANTANDER CONSUMER USA
Respondent

**DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT AND
DISMISSING SOX COMPLAINT WITH PREJUDICE**

The above-captioned case arises under the employee protection provisions of § 806 of the Corporate and Criminal Fraud Accountability Act of 2002 (CCFA), Title VIII of the Sarbanes-Oxley Act of 2002 (“SOX”), 18 U.S.C. § 1514A, and is currently pending before the undersigned.

A hearing in this matter was scheduled to commence before the undersigned on August 13-16, 2018 in Dallas, Texas. By correspondence dated March 22, 2018, the parties notified the Court that the case had settled and stated a copy of the Settlement Agreement and General Release would be submitted for approval soon. On March 26, 2018, the parties submitted a Joint Motion to Approve Settlement Agreement and to Seal Settlement Agreement. Attached to the Joint Motion were a Confidential Settlement Agreement and General Release of All Claims for approval, hereinafter collectively referred to as the “Settlement Agreement.”

I first note that the parties were ably represented by counsel. Further, the Complainant’s signature on the agreement represents his understanding of the agreement’s provisions and the associated rights and obligations. Having reviewed the agreement, I find the provisions are fair, adequate, and not contrary to the public interest. The settlement also supports a finding that the complaint be dismissed. Consequently, approval of the agreement is appropriate. Upon my approval, the parties shall implement their settlement as specifically stated in the Agreement.

To the extent that the Settlement Agreement contains provisions that may relate to actions by Complainant or Respondent under any other statutes than SOX, this Order makes no determination regarding the propriety of such provisions. My authority over settlement agreements is limited to the statutes that are within the jurisdiction of the Office of Administrative Law Judges as set forth in the applicable statute. Accordingly, I approve only the terms of the Settlement Agreement pertaining to Complainant’s SOX case.

The parties have agreed to keep the specific terms of the agreement confidential, subject to applicable laws. To effectuate such confidentiality, I will have the settlement agreement sealed. However, notwithstanding the parties' agreement, the parties' submissions, including the settlement agreement, become part of the record of the case and are subject to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(a). If a FOIA request is made for the settlement agreement, the U.S. Department of Labor will have to respond and decide whether to exercise its discretion to claim any applicable exemption.

Having carefully reviewed the Confidential Settlement Agreement under SOX, I make the following findings:

1. The Settlement Agreement, on its face, appears to be fair and reasonable and to effectuate the purposes and policies of SOX;
2. The Complainant is deemed to have waived any further proceedings before the U.S. Department of Labor regarding the matters which are the subject of the Settlement Agreement;
3. This Order shall have the same force and effect as one made after a full hearing on the merits; and,
4. With regard to confidentiality of the Settlement Agreement, the parties are advised that notwithstanding the confidential nature of the Settlement Agreement, all of their filings, including the Settlement Agreement, are part of the record in this case and may be subject to disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C.A. § 552, *et seq.*

ORDER

Based on the foregoing and in accordance with the Settlement Agreement, **IT IS HEREBY ORDERED** that the Settlement Agreement is **APPROVED**. **IT IS FURTHER ORDERED** that the above-captioned SOX complaint is **DISMISSED WITH PREJUDICE**.

SO ORDERED this 28th day of March, 2018, at Covington, Louisiana.

CLEMENT J. KENNINGTON
ADMINISTRATIVE LAW JUDGE