



**Issue Date: 19 September 2018**

**Case No.: 2018-SOX-00045**

*In the Matter of:*

**PETER GRUNDIN,**  
*Complainant,*

v.

**MARATHON EQUIPMENT COMPANY,**  
*Respondent,*

**ORDER APPROVING WITHDRAWAL OF OBJECTIONS,**  
**AND DISMISSING CLAIM**

The above-captioned matter arises under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002 (“SOX”), P.L. No. 107-204, as amended by the Consumer Financial Protection Act of 2010, Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act and implementing regulations at 29 C.F.R. Part 1980.

On February 9, 2018, Peter Grundin (“Complainant”), through counsel, filed a complaint with the Department of Labor’s Occupational Safety & Health Administration (“OSHA”) alleging Marathon Equipment Company (“Respondent”) retaliated against him in violation of SOX after he voiced concerns to management about denials of warranty claims. OSHA dismissed the complaint on July 18, 2018, finding no reasonable cause to believe that a violation had occurred, based on the information gathered at that time. On August 29, 2018, I granted Complainant’s request for an extension of time to decide whether or not to appeal OSHA’s findings.

On September 17, 2018, Complainant submitted a letter advising that he “chooses not to appeal OSHA’s dismissal.” Complainant did not submit a copy of any proposed settlement agreement.

The rules governing withdrawal of SOX complaints provide that “at any time before the ... findings and preliminary order become final, a party may withdraw its objections to the ... findings and/or preliminary order by filing a written withdrawal with the administrative law judge,” who shall then determine whether to affirm any portion of the findings or preliminary order or approve the withdrawal. 29 C.F.R. § 1980.111(c). As the parties have not submitted to

the court the terms of the proposed settlement agreement, I will treat the filing as an unopposed request by Complainant to withdraw his request for a hearing and to dismiss his February 9, 2018 OSHA complaint.<sup>1</sup> Upon review of the entire record and for good cause shown, said request is hereby GRANTED. Accordingly,

**Order**

Consistent with the regulations, the above captioned matter is hereby DISMISSED with prejudice without costs or attorney's fees awarded to either party.

**SO ORDERED:**

**STEPHEN R. HENLEY**  
Chief Administrative Law Judge

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<sup>1</sup> On September 18, 2018, a member of my staff contacted Respondent's counsel, who did not object to treating Complainant's filing as such.