



Issue Date: 14 June 2018

CASE NO.: 2018-SOX-00005

In the Matter of:

TINA ROSEN,
Complainant,

vs.

**DENSO PRODUCTS AND
SERVICES AMERICAS, INC.,**
Respondent.

ORDER APPROVING SETTLEMENT

This is a claim under the employee-protection provisions of the Corporate and Criminal Fraud Accountability Act of 2002 (the “Sarbanes-Oxley Act” or “SOX”), 18 U.S.C. §1514A, and regulations at 29 C.F.R. Part 1980. It is not currently set for hearing.

The parties file for court approval their “Confidential Settlement Agreement and Release of Claims” executed by the Claimant, Ms. Rosen, and by Ramona M. Peterson on behalf of Denso Products & Services Americas, Inc. The proposed settlement is subject to court approval under 29 C.F.R. § 1980.111, subsection (d)(2), and 29 C.F.R. § 18.71, subsection (a).

Citing 29 C.F.R. § 18.85, the court issued a Notice of Deficiency on May 8, 2018, on the grounds it could not approve, in the form submitted, the parties’ request to make the settlement agreement confidential. In response to the Notice of Deficiency, Respondent asks the court 1) to keep the dollar amount of the settlement confidential or, in the alternative, 2) to approve the settlement, in its original form, without keeping any portion of it confidential. The court concludes the parties have not provided sufficient facts to allow the court to find that the reason to seal the agreement outweighs the presumption of public access. This is particularly true because, under 29 C.F.R. § 1980.111, subsection (e), the settlement agreement, once approved, becomes “the final order of the Secretary and may be enforced in United States District Court.” Accordingly, the court grants the alternative request, and

approves the settlement, as set forth in the agreement, as fair and equitable, and part of the public record of this proceeding for all purposes. The settlement agreement is incorporated by this reference into this Order.

SO ORDERED.

CHRISTOPHER LARSEN
Administrative Law Judge