



Issue Date: 03 March 2020

CASE NO.: 2020-SOX-00002

In the Matter of:

BENJAMIN ABADI,
Complainant,

vs.

CALERA CAPITAL,
Respondent.

ORDER DENYING MOTION TO WITHDRAW MOTION TO DISMISS

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.

Respondent’s Motion to Withdraw its Motion to Dismiss for Lack of Subject Matter Jurisdiction is denied. I have ruled on the Motion to Dismiss and *nunc pro tunc* withdrawal of the Motion would remove it, in its entirety, from the record of this proceeding, in violation of the presumption of public access to proceedings before the Office of Administrative Law Judges. 29 C.F.R. section 18.81. The result would be, in effect, to overturn my Order issued December 27, 2019, in which I denied Respondent’s original Motion to Seal without prejudice, as well as my Order issued January 28, 2020, granting Respondent’s Amended Motion to Seal only in part.

Respondent has failed to comply with 29 C.F.R. section 18.85 after having been given several opportunities to do so. Respondent now has two choices, and two only: either Respondent, no later than March 9, 2020, will comply with my Order issued January 28, 2020, and provide a redacted copy of its Motion to Dismiss conforming to that Order; or Respondent will not comply, thereby waiving the benefit of my January 28, 2020, Order, in which case the unredacted original Motion to Dismiss will appear in the file without seal.

I will grant no further continuances of the deadline to comply with 29 C.F.R. section 18.85 and my Order issued January 28, 2020.

SO ORDERED.

CHRISTOPHER LARSEN
Administrative Law Judge