

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 30 December 2011

CASE NO: 2011-STA-23

In the Matter of:

KIM McCARY,
Complainant,

v.

PROFESSIONAL EXPEDITING, INC.,
Respondent

ORDER APPROVING SETTLEMENT AND DISMISSING CLAIM

The above-captioned case was to be heard on November 15, 2011, in Lexington, KY; however, prior to the hearing, the parties notified me that they had reached a settlement. The parties submitted a Joint Motion to Dismiss with Prejudice on December 19, 2011. I have reviewed the settlement agreement and find it to be fair, adequate, and reasonable.

The parties have agreed to keep the specific terms of the agreement confidential, subject to applicable laws, and request that the settlement agreement be designated as business information pursuant to 29 C.F.R. § 70.26. However, notwithstanding the parties' agreement, the parties' submission, 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. The parties are entitled to pre-disclosure notifications rights under 29 C.F.R. § 70.26.

Wherefore, the above considered, I grant the parties' motion to dismiss. The above-captioned claim is hereby dismissed in its entirety, with prejudice, with each party responsible for its respective costs and attorneys' fees.

A

MICHAEL P. LESNIAK
Administrative Law Judge