

**U.S. Department of Labor**

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**Issue Date: 16 April 2014**

Case No.: 2010-SOX-00029

ARB Nos.: 10-111  
10-115

In the Matter of

**THOMAS SPINNER**  
Complainant

v.

**DAVID LANDAU & ASSOCIATES LLC**  
Respondent

**ORDER APPROVING SETTLEMENT AGREEMENT**

This matter involves a complaint under the whistleblower protection provisions of Section 806 of the Sarbanes-Oxley Act, 18 U.S.C. § 1514A. The Complainant is represented by counsel.

Under cover of letter dated April 10, 2014, counsel for the Respondent forwarded to me the “Joint Motion for Approval of Settlement Agreement” signed by the Complainant’s and Respondent’s counsel. The Joint Motion forwarded the parties’ settlement agreement, dated April 9, 2014, which was signed by the Complainant and by an official representative of the Respondent.

I have reviewed the contents of the parties’ settlement agreement, and I find that the provisions of the agreement are fair and adequate and are not contrary to the public interest.<sup>1</sup> Therefore, as requested by the parties, I approve their agreement.

The Respondent has requested that the settlement agreement and its terms be kept confidential. The Complainant has not objected to this request. I find that the matters to which the request pertains includes confidential commercial or financial information, as defined in 5 U.S.C. § 552(b)(4). Therefore, in accordance with the Respondent’s request, I will seal the parties’ settlement agreement and will designate it as subject to restricted access, in accordance with 29 C.F.R. § 18.56. As to the sealed materials, I further find that the parties are entitled to

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<sup>1</sup> I find that Section 4, Paragraph A of the Settlement Agreement contains a typographical error, and I substitute the year, “2014” for the year “2013” in line six of that provision.

pre-notification disclosure rights under 29 C.F.R. § 70.26, and I direct that the parties be notified, in accordance with the regulation's provisions.

SO ORDERED.

**Adele H. Odegard**  
Administrative law Judge

Cherry Hill, New Jersey