

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
Washington, DC

Issue Date: 10 May 2023

CASE NO.: 2023-CFP-00003

In the Matter of:

JUDD DeRARIO,
Complainant,

v.

WELLS FARGO,
Respondent.

ORDER GRANTING PARTIES' JOINT MOTION FOR APPROVAL OF SETTLEMENT AND PARTIAL SEAL OF SETTLEMENT AGREEMENT

This proceeding arises under the Consumer Financial Protection Act of 2010, Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, 12 U.S.C. § 5567 (herein the CFPA) and the regulations promulgated thereunder at 29 C.F.R. Part 1985 and 20 C.F.R. Part 24. The CFPA prohibits covered employers from discharging or otherwise discriminating against employees regarding their terms and conditions of employment who have engaged in certain protected activities regarding their terms and conditions of employment.

On May 5, 2023, the parties submitted a Confidential Settlement Agreement and Release (“Settlement Agreement”) for approval, which is incorporated herein by reference. The Settlement Agreement includes a confidentiality provision limiting certain disclosures of its terms by the parties. Nonetheless, the records in this proceeding are subject to disclosure under the Freedom of Information Act (“FOIA”). See 5 U.S.C. §552; *Johnson v. U.S. Bancorp*, ARB No. 13-014, 13-046, ALJ No. 2010-SOX-00037, slip op. at 2 (ARB July 22, 2013). The Department of Labor will follow appropriate pre-disclosure notification procedures to address any assertion that an exemption to FOIA applies.¹

The parties provided two copies of the Settlement Agreement, the first, labelled “Attachment 1,” is a redacted version of the Agreement, while “Attachment 2” is the

¹ See *Seater v. Southern California Edison Co.*, 1995-ERA-13 (ARB March 27, 1997)(“if an exemption is applicable to the record in this case or any specific document in it, the Department of Labor would determine at the time a request is made whether to exercise its discretion to claim the exemption and withhold the document. If no exemption is applicable, the document would have to be disclosed.”).

unredacted version filed with the request to keep this version confidential and not to release it to the public. Beyond that however, nothing about the parties' characterization of the Settlement Agreement changes the public nature of the records which OALJ maintains in this case.

ORDER

Upon my review, the terms of the agreed settlement are fair, equitable, adequate, and reasonable and was not procured by duress. Therefore, the Settlement Agreement is **APPROVED** pursuant to 29 C.F.R. § 1985.111(d)(2). As I have approved the Settlement Agreement, this Order shall have the same force and effect as one made after a full hearing on the merits. I note that my authority over, and approval of, this Agreement is limited to the statutes and terms that are within my jurisdiction and authority as defined by the applicable statute.

Accordingly, for the reasons set forth above, it is **ORDERED** that the Parties' Motion to Approve Settlement is **GRANTED**, such that:

1. The parties Confidential Settlement Agreement and Release, is **APPROVED**, and thereby becomes the final order of the Secretary and may be enforced pursuant to 29 C.F.R. § 1985.111(e) and § 1985.113;
2. The parties' request to place their Confidential Settlement and Agreement and Release ("Attachment 2") under seal is **APPROVED**; and
3. The complaint filed in this matter is **DISMISSED** with Prejudice.

SO ORDERED.

WILLIAM P. FARLEY
Administrative Law Judge
Washington, D.C.