

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
San Francisco, CA

Issue Date: 25 October 2023

CASE NO.: 2023-CFP-00004

In the Matter of:

GREGORY LANGADINOS,
Complainant,

v.

LIFE TIME GROUP HOLDINGS, INC.,
Respondent.

ORDER DISMISSING ADMINISTRATIVE ACTION
WITHOUT PREJUDICE

This case arises under the Anti-Money Laundering Act, 31 U.S.C. §5323(g) & (j); the Criminal Antitrust Anti-Retaliation Act, 15 U.S.C. § 7a-3, 29 C.F.R. Part 1991; the Consumer Financial Protection Act (section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, 12 U.S.C.A. §5567, 29 C.F.R. Part 1985; and the Sarbanes-Oxley Act, 18 U.S.C.A. §1514A, 29 C.F.R. Part 1980.

In an order issued on September 28, 2023, among other things, I acknowledged Complainant's statement that he preferred to pursue this case in federal court, but he thought this was premature as he had not exhausted administrative remedies. I notified him of the applicable statutory and regulatory provisions as follows:

As OSHA's Regional Administrator confirmed, you filed your administrative complaint with OSHA on May 22, 2022. More than 490 days have passed since then, and the Department of Labor has not issued a final decision in your case. You therefore have an option to file a complaint with the U.S. District Court (C.D. Cal.) and may include all of your claims under the four statutes on which you rely.¹

If you elect this action, you must write and file a document at this Office (OALJ), stating that it is your intent to file in the U.S. district court. I will dismiss your case at OALJ *without prejudice* to your pursuing the case before the district court. You

¹ See Anti-Money Laundering Act, 31 U.S.C. §5323(g)(2)(B) (180 days); the Criminal Antitrust Anti-Retaliation Act, 15 U.S.C. § 7a-3(b)(1)(B) (180 days), 29 C.F.R. § 1991.114; the Consumer Financial Protection Act (section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act), 12 U.S.C. §5567(x)(4)(d) (210 days), 29 C.F.R. § 1985.114; and the Sarbanes-Oxley Act, 18 U.S.C. § 1514A(b)(1)(B) (180 days), 29 C.F.R. § 1980.114.

should then promptly file a complaint with the U.S. District Court (C.D. Cal.). Within 7 days after filing your complaint in the U.S. district court, you must file with OALJ a file-stamped copy of the district court complaint. The litigation will then proceed in the U.S. District Court (C.D. Cal.).

On October 23, 2023, Complainant stated in a written filing: “I do agree to remove this action to Federal Court now that Administrative Remedies have been exhausted under US DOL, and US OSHA Federal Statutes and Regulations.”

Given that each of the statutes under which Complainant is pursuing this case provides for district court jurisdiction when the Department of Labor has not completed its process within a certain number of days, and given that the time requirements have been met for each statute and Complainant wishes to pursue the case in federal district court,

This matter is DISMISSED without prejudice to allow Complainant to pursue the matter *de novo* before the appropriate United States District Court, which appears to be the USDC for the Central District of California.

As stated above, Complainant should file a complaint with the district court promptly and should include a jury demand if he wishes to have the case tried to a jury. Within 7 days after filing the complaint with the district court, Complainant must file a file-stamped copy of that complaint with the Department of Labor, Office of Administrative Law Judges.

SO ORDERED.

STEVEN B. BERLIN
Administrative Law Judge