

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 12 February 2013

Case No.: 2012-FRS-85

In the Matter of:

Lester Trotman,
Complainant

v.

Norfolk Southern Railway Company,
Respondent

DISMISSAL OF COMPLAINT
LOSS OF JURISDICTION

On January 29, 2013, counsel for the Complainant submitted a Notice of Intention to File Original Action in U.S. District Court. On Friday, February 8, 2013, counsel for the Complainant confirmed by telephone that the Complainant has exercised his right to pursue this claim in the U.S. District Court for the Central District of Illinois, Case Number 2:13 CV 02036-HAB-DGB, filed on Thursday, February 7, 2013. Under 49 U.S.C. § 20101(d)(3), the U.S. District Court now has jurisdiction of this matter.¹ Accordingly, the Complainant's complaint before the Office of Administrative Law Judges is **DISMISSED**.

SO ORDERED.

LINDA S. CHAPMAN
Administrative Law Judge

¹See *Stone v. Duke Energy Corp*, 432 F.3d 320 (5th Cir. 2005) (Sarbanes-Oxley case); *Kelly v. Sonic Automotive, Inc.*, ARB No. 08-027 (Dec. 17, 2008) (Sarbanes-Oxley case).