



Issue Date: 12 August 2008

CASE NOS: 2007-SOX-00057

In the Matter of:

CYNTHIA DAUZAT,
Complainant,

v.

CRAWFORD & COMPANY,
Respondent.

**ORDER DISMISSING COMPLAINT AND
CANCELLING HEARING**

This matter is presently scheduled for a formal hearing on August 18, 2008 in Houston, Texas. On July 21, 2008, I received from Complainant's counsel a notice stating that his client intended to file in Federal district court the claims arising under Title VIII of the Sarbanes-Oxley Act of 2002 ("SOX"), 18 U.S.C. § 1514A, which are presently pending before the Office of Administrative Law Judges. Complainant further requested that the instant proceeding be stayed indefinitely.

On August 1, 2008, I ordered Complainant to show cause why her complaint should not be dismissed, rather than stayed, in the event she filed her SOX claims in United States district court.

On August 11, 2008, I received from Complainant's counsel a response to my show cause order in which he reiterates that Complainant intends to pursue all her claims against Respondent in Federal district Court. Counsel further states that the matter pending before the Office of Administrative Law Judges should be dismissed once suit is filed in United States district court inasmuch as that court will have exclusive jurisdiction over Complainant's claims. Counsel therefore requests that an order of dismissal be entered once her lawsuit is filed in United States district court on August 11, 2008.

An online search of PACER reflects that Complainant Cynthia Dauzat filed suit against Respondent Crawford & Company on August 11, 2008.¹ Since Complainant has removed her SOX complaint to Federal district court, I find that the matter pending before the Office of Administrative Law Judges should be dismissed. *See, e.g., Mozingo v. The South Financial Group, Inc.*, ARB No. 07-040, ALJ No. 2007-SOX-2 (ARB Feb. 8, 2007). Therefore,

IT IS HEREBY ORDERED that the SOX Complaint of Cynthia Dauzat is DISMISSED.

IT IS FURTHER ORDERED that the formal hearing scheduled for August 18, 2008 in Houston, Texas is CANCELLED.

A

Stephen L. Purcell
Associate Chief Judge

Washington, D.C.

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review (“Petition”) with the Administrative Review Board (“Board”) within ten (10) business days of the date of the administrative law judge’s decision. *See* 29 C.F.R. § 1980.110(a). The Board’s address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. Your Petition is considered filed on the date of its postmark, facsimile transmittal, or e-mail communication; but if you file it in person, by hand-delivery or other means, it is filed when the Board receives it. *See* 29 C.F.R. § 1980.110(c). Your Petition must specifically identify the findings, conclusions or orders to which you object. Generally, you waive any objections you do not raise specifically. *See* 29 C.F.R. § 1980.110(a).

At the time you file the Petition with the Board, you must serve it on all parties as well as the Chief Administrative Law Judge, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8002. The Petition must also be served on the Assistant Secretary, Occupational Safety and Health Administration and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, DC 20210.

¹ “PACER” is an acronym for “Public Access to Court Electronic Records” and is an electronic public access service that allows users to obtain case and docket information from Federal Appellate, District and Bankruptcy courts, and from the U.S. Party/Case Index. *See* https://pacer.login.uscourts.gov/cgi-bin/login.pl?court_id=00idx, last visited on August 12, 2008. PACER reflects that a complaint was filed by Ms. Dauzat’s counsel, Joseph Ahmad, against Crawford & Company, Crawford & Company, L.P., and Broadspire Services, Inc. on August 11, 2008 in U.S. District Court for the Southern District of Texas (Houston). *See Dauzat v. Crawford & Company, et al.*, 4:08-cv-02458 (Aug. 11, 2008).

If no Petition is timely filed, the administrative law judge's decision becomes the final order of the Secretary of Labor pursuant to 29 C.F.R. § 1980.109(c). Even if you do file a Petition, the administrative law judge's decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days after the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R. §§ 1980.109(c) and 1980.110(a) and (b).