

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 03 July 2007**

Case No.: 2007-SOX-00025

In the Matter of:

**RICHARD FORREST**

Complainant

v.

**ALTUS PHARMECEUTICALS, INC.**

Respondent

*Appearances:*

Kevin G. Powers (Rodgers, Powers & Schwartz),  
Boston, Massachusetts, for the Complainant

Guy P. Tully (Jackson Lewis), Boston,  
Massachusetts, for the Respondent

*Before:* Daniel F. Sutton  
Administrative Law Judge

**FINAL ORDER APPROVING SETTLEMENT AND DISMISSING COMPLAINT**

This proceeding arises from a complaint of discrimination filed under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of The Sarbanes-Oxley Act of 2002, 18 U.S.C.A. § 1514A (West 2004) (the "Sarbanes-Oxley Act") and the procedural regulations found at 29 C.F.R. Part 1980 (2004). By letter dated January 17, 2007, the Regional Administrator for the U.S. Department of Labor, Occupational Safety and Health Administration ("OSHA"), acting as agent for the Secretary of Labor ("Secretary"), notified the Complainant of the Secretary's preliminary finding that there was no reasonable cause to believe that the Respondent violated the Sarbanes-Oxley Act. By letter dated February 13, 2007, which was received by the Office of Administrative Law Judges ("OALJ") on February 16, 2007, the Complainant filed a notice of appeal of the Regional Administrator's determination and requested a *de novo* hearing before an Administrative Law Judge ("ALJ") pursuant to 29 C.F.R. § 1980.106.

Prior to the opening of the hearing, the parties filed a Joint Motion For Approval Of Settlement Agreement And To Dismiss Complaint With Prejudice on July 2, 2007. Attached to

the parties' motion is an Agreement and General Release which the parties have designated as confidential. The parties have redacted from the consideration paragraph of their settlement the specific amounts of the consideration to be paid by the Respondent, and they request that their settlement be reviewed with this information redacted.

I have carefully reviewed the terms of the Settlement Agreement. Both parties are represented by counsel, and the redaction of the consideration amounts does not preclude effective review. The parties' agreement appears to be in compliance with the law and does not contain any provisions that are contrary to the purposes and policies of the Sarbanes-Oxley Act. The Settlement Agreement also appears to be fair, adequate and reasonable. A settlement approved by an administrative law judge shall constitute the final order of the Secretary and may be enforced in a United States district court pursuant to 29 C.F.R. §§ 1980.111(e) and 1980.113. Accordingly, it is **ORDERED** that:

(1) The Settlement Agreement is **APPROVED**.

(2) The parties' Agreement and General Release is designated as **CONFIDENTIAL COMMERCIAL INFORMATION** under 29 C.F.R. § 70.26, and shall be afforded the protections thereunder.

(3) The complaint is **DISMISSED** with prejudice.

(4) The hearing currently set to convene on September 17, 2007 is **CANCELED**.

**SO ORDERED.**

**A**

**DANIEL F. SUTTON**  
Administrative Law Judge

Boston, Massachusetts