

U.S. Department of Labor

Office of Administrative Law Judges
90 Seventh Street, Suite 4-800
San Francisco, CA 94103-1516

(415) 625-2200
(415) 625-2201 (FAX)



Issue Date: 13 September 2007

CASE NO.: 2007-SOX-00045/00046

In the Matter of:

JEFFREY S. HILL and SCOTT HAYS,
Complainants,

vs.

NATURE'S SUNSHINE PRODUCTS,
Respondent.

DECISION AND ORDER DISMISSING COMPLAINT

This proceeding arises from complaints filed by Jeffrey S. Hill and Scott Hays, against Nature's Sunshine Products, alleging a violation of 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. § 1514A. After receiving a Stipulated Motion to Dismiss signed by the parties in these two cases, I issued an order on August 29, 2007, vacating the hearing that was scheduled for September 25-27, 2007, and ordered the parties to submit the settlement agreement to me for approval.

In response to my Order, the Complainants' counsel advised me there is no settlement agreement to review because the Complainants decided not to go forward with their claims. The parties signed the Stipulated Motion to Dismiss after Respondent's counsel agreed not to seek to recover its attorney's fees and costs.

The language of 29 C.F.R. § 1980.111(c) allows the Complainants to withdraw their request for a hearing before the findings or order becomes final. Since the request for dismissal was not the result of a settlement agreement, there is no settlement agreement to review. However, I must still determine whether to approve the withdrawal. 29 C.F.R. § 1980.111(c).

In this instance, since the Complainants, who have the burden of proof in this proceeding, have decided not to proceed with this case, I find that the withdrawal is appropriate. Accordingly, the Stipulated Motion to Dismiss is GRANTED.

It is hereby ORDERED that these two cases be DISMISSED WITH PREJUDICE.

A

JENNIFER GEE
Administrative Law Judge

San Francisco, California