

U.S. Department of Labor

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Issue Date: 27 February 2007

CASE NO.: 2007-SOX-00023

In the Matter of

CYNTHIA PARDY,
Complainant,

v.

OGILVY & MATHER WORLDWIDE INC.
WPP GROUP PLC,
Respondents,

ORDER

Complainant filed a claim under the Sarbanes Oxley Act of 2002 (SOX), Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, 18 U.S.C. § 1514A, et seq. The Secretary denied the claim on January 4, 2007 and the Complainant timely appealed. A hearing was scheduled for March 8, 2007. On February 26, 2007, Respondents filed a Motion to Dismiss based upon the fact that Complainant had filed in United States District Court; supporting documentation was attached. Complainant filed an Answer on the same date.

Respondents correctly state that this Court no longer has jurisdiction. Once a complainant files a claim with District Court, pursuant to Section 1514A(b)(1)(B) of the Act, an Administrative Law Judge no longer has jurisdiction over the matter. *Stone v. Duke Energy Corp.*, 432 F.3d 320 (4th Cir. 2005) (case below 2003-SOX-12). Complainant filed in District Court on December 12, 2006, at which time jurisdiction vested with that court.

Accordingly, Complainant's administrative complaint is no longer before this Court.

The hearing scheduled for March 8, 2007 in New York City is canceled.

A

PAUL H. TEITLER
Administrative Law Judge

Cherry Hill, New Jersey