

U.S. Department of Labor

Office of Administrative Law Judges
36 E. 7th St., Suite 2525
Cincinnati, Ohio 45202

(513) 684-3252
(513) 684-6108 (FAX)



Issue Date: 19 June 2007

Case No.: 2007-SOX-00041

In the Matter of

SCOTT PEARSON,
Complainant

v.

NITE CAPITAL LP, and
NITE CAPITAL MANAGEMENT LLC,

Respondents.

ORDER OF DISMISSAL

This proceeding arises from the complaint filed by Scott Pearson against Nite Capital LP and Nite Capital Management LLC, 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. § 1514A. The Regional Administrator, Occupational Safety & Health Administration, Chicago, Illinois, issued the findings of the Secretary of Labor on March 7, 2007, in which it was concluded the complaint should be dismissed.

By letter dated and sent by facsimile and regular mail on June 5, 2007, Complainant advises that he is withdrawing his objections pursuant to 29 C.F.R. § 1980.111(c). That section of the regulations provides for a withdrawal of objections to the determination of the Occupational Safety & Health Administration at any time prior to the time the determination becomes final. Respondents' counsel advised that her clients have no objection to a withdrawal of the complaint.

ORDER

IT IS HEREBY ORDERED that the Secretary's findings of March 7, 2007, are final because of the Complainant's withdrawal of his objections to those findings.

IT IS FURTHER ORDERED that this case is dismissed with prejudice.

A

THOMAS F. PHALEN, JR.
Administrative Law Judge