



Issue Date: 10 October 2008

CASE NO: 2008-SOX-15

In the Matter of:

CHRISTOPHER KERN,
Complainant

v.

LANCASTER COLONY CORP, ET AL,
Respondent

**DECISION AND ORDER APPROVING SETTLEMENT AND DISMISSING COMPLAINT
AND AMENDED COMPLAINT WITH PREJUDICE**

This matter arises under the employee protection provisions of Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002, (Public Law 107-204), 18 U.S.C. § 1514A (“Act” or SOX”) as implemented by 29 C.F.R. Part 1980. This statutory provision, in part, prohibits an employer with a class of securities registered under Section 12 of the Securities Exchange Act of 1934 and companies required to file reports under Section 15(d) of the Securities Exchange Act of 1934 from discharging, or otherwise discriminating against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee provided the employer or Federal Government information relating to alleged violations of 18 U.S.C. §§ 1341 (mail fraud and swindle), 1343 (fraud by wire, radio, or television), 1344 (bank fraud), 1348 (security fraud), any rule or regulation of the Securities and Exchange Commission (“SEC”), or any provision of federal law relating to fraud against shareholders.

On October 2, 2008, the parties signed an agreement which fully settles and resolves their dispute. Both parties were ably represented by counsel. The Complainant represents his understanding of the agreement’s provisions and voluntarily accepts the settlement. Having reviewed the agreement, I find the provisions are fair, adequate and not contrary to the public interest. Further, the settlement supports a finding that the complaint be dismissed with prejudice. Accordingly, approval of the agreement is appropriate. Upon my approval, the parties shall implement their settlement as specifically stated in the agreement. This Decision and Order shall have the same force and effect as one made after a full hearings on the merits.

The parties have agreed to keep the specific terms of the agreement confidential, subject to applicable laws, and request that the settlement agreement be sealed and remain confidential pursuant to 29 C.F.R. § 70.26. To effectuate such confidentiality, I have sealed the settlement

agreement. However, notwithstanding the parties' agreement, the parties' submission, including the settlement agreement, become part of the record of the case and are subject to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(a). If a FOIA request is made for the settlement agreement, the U.S. Department of Labor will have to respond and decide whether to exercise its discretion to claim any applicable exemption. The parties are entitled to pre-disclosure notifications rights under 29 C.F.R. § 70.26. The hearing scheduled in this case for November 17 through 19, 2008, in Erie, Pennsylvania is **cancelled**.

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MICHAEL P. LESNIAK
Administrative Law Judge