



Issue Date: 21 July 2009

Case No.: 2009-SOX-00051

In the Matter of:

GEORGE MANN,
Complainant,

v.

FIFTH THIRD BANCORP and
DAVID HAAS,
Respondents.

ORDER DISMISSING COMPLAINT

This matter arises out of a complaint filed by George Mann (“Complainant”) against Fifth Third Bancorp and David Haas (“Respondents”) 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 (“SOX” or the “Act”). Complainant submitted his objections to the Secretary’s Findings on June 12, 2009, and requested a hearing before an administrative law judge. At the same time, Complainant notified all parties that he intended to file a complaint in U.S. District Court, and that he would thereafter file a written motion to withdraw his current objection and request for hearing. By Order dated June 24, 2009, I directed Complainant to submit a file-stamped copy of the complaint filed in U.S. District Court. Claimant did so on July 15, 2009. More than 180 days have elapsed since Complainant filed his complaint with the Department, and there is no indication of bad faith on the part of Complainant. As Complainant has filed a civil complaint in the U.S. District Court for the Southern District of Ohio, the Department of Labor no longer has jurisdiction over this matter. 18 U.S.C. § 1514A(b)(1). Accordingly, IT IS HEREBY ORDERED that this matter is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

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PAUL C. JOHNSON, JR.
Administrative Law Judge