



Issue Date: 09 March 2010

Case No.: 2009-SOX-00031

In the Matter of

ERIC G. STORMO

Complainant

v.

**FIRST DATA CORPORATION,
FIRST DATA TECHNOLOGIES,
MICHAEL D. CAPPELAS,
RANDALL ROUMILLAT,
PETER BOUCHER,
JAMES R. FISHER,
SCOTT C. NUTALL, and
TAGAR C. OLSON**

Respondents

**ORDER APPROVING PARTIES' AGREEMENT;
AND DISMISSING PENDING ACTION WITH PREJUDICE**

This matter arises under the employee protection provisions of Section 806 of the Sarbanes-Oxley Act, 18 U.S.C. § 1514A, as implemented by regulations at 29 C.F.R. part 1980. Both the Complainant and the Respondent were represented by counsel.

By letter dated February 26, 2010, counsel for the parties forwarded to me a joint filing, which contained several items, including a Motion for Approval of Settlement and a Motion to Dismiss with Prejudice.¹

I have reviewed the contents of the parties' joint filing, and I find that the provisions are fair and adequate and are not contrary to the public interest. Further, the parties have jointly requested that their settlement agreement be approved, that the parties be ordered to comply with its terms, and that the approved settlement shall constitute the final order of the Secretary, as set forth at 29 C.F.R. § 1980.111(e). Therefore, as requested by the parties, I approve their agreement, and direct the parties to comply with its terms.

The parties have request that certain portions of their joint filing be sealed. I find that the matters to which their request pertains are covered under 5 U.S.C. § 552(b)(4). Therefore, in

¹ Two copies of the letter were received in my office, on March 1, 2010 (with enclosures), and March 4, 2010 (without enclosures).

accordance with the parties' request, I have sealed the designated portions of the parties' joint filing. As to the sealed materials, I further find that the parties are entitled to pre-notification disclosure rights under 29 C.F.R. § 70.26, and I direct that the parties be notified, in accordance with the regulation's provisions.

As requested by the parties, I find that the approved settlement shall constitute the final order of the Secretary, and I dismiss the pending matter with prejudice.

SO ORDERED.

A

ADELE H. ODEGARD
Administrative Law Judge

Cherry Hill, New Jersey