



**Issue Date: 20 October 2014**

**CASE NO.: 2013-STA-00054**

**IN THE MATTER OF**

**JEREMY WIGINTON,  
Complainant**

**v.**

**CAROLINA SOUTHERN, INC.,  
JOHN WERNER, JOHN DOE AND MARY ROE,  
Respondents**

**ORDER GRANTING COMPLAINANT’S MOTION TO DISMISS PROCEEDING**

This case arises under the employee protection provision of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105, and the implementing regulations at 29 C.F.R. Part 1978.

On October 14, 2014, Complainant filed Complainant’s Motion to Dismiss Proceeding in this matter. Complainant withdrew his objections to the Secretary’s findings and moved the Court to dismiss the proceeding because “[i]t appears that the Respondents are insolvent.”

The Court had granted an Order Granting Stay and Cancelling Hearing on September 23, 2013 on motion by Complainant following a voluntary petition seeking bankruptcy protection under Chapter 11 of Title 11 of the United States Code (“Bankruptcy Code”) filed by Respondent John Werner. 11 U.S.C. § 301 (2010).

Complainant states that it would be “a waste of financial resources of the United States Department of Labor, and the parties,” to continue pursuing this matter.

Accordingly,

**IT IS HEREBY ORDERED** that the instant Complaint is **DISMISSED WITH PREJUDICE**.

**SO ORDERED** this 20<sup>th</sup> day of October, 2014, at Covington, Louisiana.

**CLEMENT J. KENNINGTON**  
**Administrative Law Judge**