



Issue Date: 03 November 2015

CASE NO.: 2015-STA-00030

*In the Matter of:*

BRYCE SABIN,  
*Complainant,*

v.

PENSKE LOGISTICS,  
*Respondent.*

**ORDER GRANTING MOTION TO WITHDRAW OBJECTIONS AND REQUEST FOR  
HEARING / ORDER CANCELING HEARING**

This matter is scheduled for hearing on April 4, 2016 in Chicago, Illinois. In the past several weeks, the following motions have been filed:

- Respondent Penske Logistics' motion to compel Complainant Bryce Sabin's initial disclosures and his responses to Respondent's interrogatories and request for production of documents;
- Mr. Sabin's motion to limit Respondent's interrogatories and request for production of documents, and to change the date of his deposition; and
- Mr. Sabin's motion to withdraw his objections to the Secretary's findings.

Mr. Sabin's motion to withdraw his objection to the Secretary's findings will be granted.<sup>1</sup> Under 29 C.F.R. § 1978.111(c), "[a]t any time before the Assistant Secretary's findings and/or order become final, a party may withdraw its objections to the Assistant Secretary's findings and/or order by filing a written withdrawal with the ALJ .... The ALJ ... will determine whether to approve the withdrawal of the objections .... If the ALJ approves a request to withdraw objections to the Assistant Secretary's findings and/or order, and there are no other pending objections, the Assistant Secretary's findings and/or order will become the final order of the

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<sup>1</sup> Because the motion was filed on November 2, 2015, the time for Respondent to file any opposition it may have has not yet expired. I will grant the motion, due to the imminence of Complainant's deposition and because any objection Respondent may have will be overruled: the applicable regulation clearly permits Mr. Sabin to withdraw his objections to the Secretary's findings. Requiring Complainant to go forward with these proceedings when he has communicated his desire that they end would cost him, Respondent, and the undersigned significant expenditures of time and resources.

Secretary.” Upon review, I find it appropriate to permit withdrawal of the objections and request for hearing.

Granting Complainant’s motion moots all other pending motions, and they will be denied on that basis. Theoretically, Respondent’s motion for monetary sanctions may survive the withdrawal of the objections; however, there is no authority under the STAA or its implementing regulations for an administrative law judge to impose monetary sanctions for discovery abuses.

**ORDER**

Accordingly, IT IS ORDERED:

1. Complainant’s request to withdraw his objections and request for hearing is GRANTED;
2. The complaint is DISMISSED;
3. The hearing scheduled to begin on April 4, 2016 is CANCELED;
4. Respondent’s motion to compel initial disclosures and responses to its interrogatories and request for documents is DENIED as moot;
5. Respondent’s motion for evidentiary and terminating sanctions is DENIED as moot;
6. Respondent’s motion for monetary sanctions is DENIED; and
7. Complainant’s motion to limit Respondent’s interrogatories and request for production of documents, and to change the date of his deposition, is DENIED as moot.

**SO ORDERED.**

PAUL C. JOHNSON, JR.  
District Chief Administrative Law Judge