



**Issue Date: 28 June 2017**

**OALJ No. 2017-STA-00011**  
**OSHA No. 5-4760-15-008**

*In the Matter of:*

**ASSISTANT SECRETARY OF LABOR FOR  
OCCUPATIONAL SAFETY AND HEALTH,**  
*Prosecuting Party*

*and*

**JODY DUDA,**  
*Complainant,*

*v.*

**LAKEVILLE MOTOR EXPRESS, INC.,**  
*Respondent,*

**FINISH LINE EXPRESS, LLC,**  
*Respondent,*

**LME, INC.,**  
*Respondent,*

*and*

**TRAVIS HOESCHEN,**  
*Respondent.*

**ORDER APPROVING SETTLEMENT AGREEMENT  
AND GRANTING MOTION TO DISMISS**

This matter arises under Section 405 of the Surface Transportation Assistance Act of 1982, as amended and codified, 49 U.S.C. § 31101, and applicable regulations. 29 C.F.R. Parts 18 & 1978. On June 14, 2017, the Prosecuting Party, Complainant, and three of the four Respondents – Finish Line Express, LLC; LME, Inc.; and Mr. Travis Hoeschen – filed a document styled “Consent Judgment” in which the parties described a Settlement Agreement between them and consented to the entry of an Order

approving the Agreement as “a full and complete resolution of all claims and issues which were, or might have been, alleged in this action, without trial or adjudication of any issues of fact or law raised in the Assistant Secretary’s determination.”

On June 20, 2017 the Prosecuting Party filed an unopposed Motion to Dismiss Lakeville Motor Express, Inc., as a Respondent in this matter after approval of the Settlement Agreement.

Having reviewed the Settlement Agreement and its provisions, which includes dismissal of the complaint with prejudice, I find the terms, obligations, and conditions to be fair, adequate, reasonable, and in the public interest. I also find the Settlement Agreement was not procured through duress. Furthermore, I find that dismissal of Lakeville Motor Express, Inc., as a Respondent in this matter is not inconsistent with statute, regulation, or Executive Order. Accordingly, it is hereby ORDERED that:

1. The Settlement Agreement is APPROVED, and thereby becomes the final order of the Secretary of Labor pursuant to 29 C.F.R. § 1978.111(e);
2. The parties to the Agreement shall carry out the terms of the settlement;
3. Lakeville Motor Express, Inc., is DISMISSED as a Respondent in this matter;
4. The complaint filed in this matter is DISMISSED WITH PREJUDICE.

**SO ORDERED.**

**WILLIAM T. BARTO**  
Administrative Law Judge