



Issue Date: 23 October 2017

CASE NO.: 2017-STA-00072

In the Matter of:

BRENT KALKWARF,
Complainant,

vs.

**FMC TECHNOLOGIES, INC.; FMC
COMPLETION TECHNOLOGIES
SERVICES, INC.; and RELIANCE
OILFIELD SERVICES, LLC,**
Respondents.

**ORDER DENYING MOTION TO SEAL
AND APPROVING SETTLEMENT**

This is a claim under the employee-protection provisions of the Surface Transportation Assistance Act, 49 U.S.C. §31105 (“the Act”). It is currently set for hearing in Denver, Colorado, on December 8, 2017.

The parties jointly move the court for approval, under 29 C.F.R. §18.71, of their written Settlement Agreement and General Release, resolving all claims in this matter. In their motion, they “request that the Office of Administrative Law Judges and the Department of Labor place the Confidential Settlement Agreement and Release under seal, not to be available to the public.” On October 12, 2017, the court issued a Notice of Deficiency advising the parties to comply with 29 C.F.R. §18.85 if they wished the court to seal the agreement. In response, the parties submit an “Amended Joint Motion for Order Approving Settlement,” in which they once again report to the court they agree that a particular Section of the agreement “contains confidential commercial and financial information of both Claimant and Respondents, which justifies sealing the Agreement.” The court finds the Amended Motion does not conform to 29 C.F.R. §18.85 in that it does not propose specific reductions and in that it does not allege facts which will support a finding by the court

that the reason to seal the agreement outweighs the presumption of public access. The parties merely report, as they did in their original motion, that they have agreed the agreement (or a specified section thereof) should be protected from disclosure. Accordingly, the court denies the motion to seal the agreement.

The court, having reviewed the agreement, finds it fair and equitable, and not procured by duress, on the basis of the record before it. Accordingly, the court approves the settlement.

The court vacates the December 8, 2017, hearing date, and this matter is closed.

SO ORDERED.

CHRISTOPHER LARSEN
Administrative Law Judge