

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
Pittsburgh, PA

Issue Date: 14 August 2023

OALJ NUMBER: 2023-STA-00030
OSHA NUMBER: 3-0100-93-82

In the Matter of:

STEVEN STACK,
Complainant,

v.

ANCHOR INGREDIENTS COMPANY LLC.¹,
JAMES KILEN, EVERETT JORDAN, AND KATELYN BUSHA,
Respondents

ORDER APPROVING SETTLEMENT AGREEMENT

This matter came before the undersigned for the United State Department of Labor, Office of Administrative Law Judges (OALJ) based on claims asserted under the employee protection provisions of the Surface Transportation Assistance Act (STAA), 49 U.S.C. § 31105, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-53, and further governed by the implementing regulations at 29 C.F.R. Part 1978. Complainant Steven Stack and Respondents Anchor Ingredients Company LLC., James Kilen, Everett Jordan, and Katelyn Busha, (collectively known as Parties) jointly filed a motion on August 9, 2023 requesting dismissal of proceedings and approval of the settlement agreement along with the Confidential Settlement Agreement and General Release (Settlement Agreement) resolving all issues in this action.

The undersigned Administrative Law Judge (ALJ) has reviewed the Parties' motion and Settlement Agreement along with all records in this action and finds as follows:

1. The Settlement Agreement resolves all issues and claims alleged in this action.
2. The Parties were each represented by their own counsel, and each knowingly and voluntarily entered into the Settlement Agreement.
3. The Settlement Agreement is reasonably presumed to adequately protect the Complainant and be consistent with public policy, so as to not undermine the

¹ Case caption is corrected to include all persons named as "Respondents" in this matter and included in the Joint Motion to Approve Settlement Agreement filed August 9, 2023.

protections provided by the Surface Transportation Assistance Act. Further, it is in the interests of the Parties to approve the Settlement Agreement as a basis for administrative disposition of the case.

4. Records of the United States Department of Labor, Office of Administrative Law Judges (OALJ), a government agency, are subject to the Freedom of Information Act, 5 U.S.C. § 552 *et seq.* (FOIA). Upon the Parties' filing of their joint motion for approval of the Settlement Agreement, the Settlement Agreement became a filing in this case and a record of the OALJ.
- ~~5.~~ The Parties agreed to keep the terms of the Settlement Agreement confidential. In paragraph 10 (a), Parties acknowledge that the provisions of the settlement agreement do not bind the Department of Labor (DOL) or prohibit disclosure by DOL in response to FOIA request.
6. Confidential commercial and financial information appears in the Settlement Agreement, within the meaning of Section 70.2(b) of title 29, Code of Federal Regulations.
7. In light of the confidentiality provision of the Agreement and noting the generally sensitive nature of the financial terms of the Agreement, I have decided to seal the Settlement Agreement from full disclosure to the public. In the event of required public disclosure, I have decided to redact the financial terms of the Agreement from disclosure to the public. Accordingly, the Settlement Agreement with the redaction of the financial terms will be maintained and marked "**SETTLEMENT AGREEMENT REDACTED FOR PUBLIC DISCLOSURE**". An unredacted version of the Agreement will be maintained separately and marked "**UNREDACTED AGREEMENT NOT FOR PUBLIC DISCLOSURE.**" Consequently, before any disclosure of the settlement, whether redacted or unredacted, is disclosed pursuant to a FOIA request, the DOL is required to notify the parties to permit them to file any objections to disclosure. *See* 29 C.F.R. § 70.26 (2016).

THEREFORE, IT IS HEREBY ORDERED:

1. The Parties' joint motion for approval of the Confidential Settlement Agreement and General Release is **GRANTED**;
2. Pursuant to Section 1978.111 (d) (2) of title 29, Code of Federal Regulations, the Settlement Agreement is **APPROVED**;
3. The Settlement Agreement contains **CONFIDENTIAL** commercial and financial information, subject to the procedures requiring **PRE-DISCLOSURE NOTIFICATION UNDER FOIA** pursuant to Section 70.26 of title 29, Code of Federal Regulations; and

4. This Complaint of Steven Stack is hereby **DISMISSED WITH PREJUDICE.**
SO ORDERED.

PATRICIA J. DAUM
Administrative Law Judge