



IN THE MATTER OF:

RICHARD BARRETT,

ARB CASE NO. 12-011

COMPLAINANT,

ALJ CASE NO. 2010-SOX-031

v.

DATE: November 30, 2011

**E-SMART TECHNOLOGIES,
INCORPORATED,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Respondent:

L. Anthony George, Esq., *Holme Roberts & Owen LLP*, Denver, Colorado

**FINAL ORDER APPROVING WITHDRAWAL OF RESPONDENT'S
PETITION FOR REVIEW AND DISMISSING APPEAL**

On October 17, 2011, a Department of Labor Administrative Law Judge (ALJ) issued an Order Awarding Attorney's Fees in this case arising under Sarbanes-Oxley Act, 18 U.S.C.A. § 1514A (West Supp. 2011). The ALJ found that the Complainant's counsel was entitled to attorney's fees and costs in the amount of \$97,808.15. On October 31, 2011, the Respondent filed a Petition for Review with the Administrative Review Board requesting a review of the ALJ's ruling.

On October 31, 2011, the ALJ issued an Order Allowing Reconsideration of Attorney's Fees, in which he vacated his previous attorney's fee award, accepted the Respondent's opposition to the Complainant's attorney's fee petition, and permitted the Complainant to respond to the Respondent's opposition. On November 3, 2011, the ALJ

issued a Second Order Awarding Attorney's Fees in which he amended the amount of the attorney's fee award.

On November 14, 2011, the Board received the Respondent's Motion to Withdraw Petition for Review of Order Awarding Attorney Fees, in which the Respondent stated that it wished to withdraw its appeal of the ALJ's vacated attorney's fee award. Accordingly, we grant **GRANT** the Respondent's request to withdraw the Petition for Review and **DISMISS** the appeal.

FOR THE ADMINISTRATIVE REVIEW BOARD:

Janet R. Dunlop
General Counsel

NOTE: Questions regarding any case pending before the Board should be directed to the Board. Telephone: (202) 693-6200, Facsimile: (202) 693-6220