



In the Matter of:

JONATHAN M. ZANG,

ARB CASE NO. 08-078

COMPLAINANT,

ALJ CASE NO. 2007-SOX-027

v.

DATE: MAY 28, 2008

**FIDELITY MANAGEMENT &
RESEARCH CO., FMR CO., FMR CORP.,
FIDELITY SELECT PORTFOLIOS, and
FIDELITY TREND FUND,**

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER HOLDING CASE IN ABEYANCE

Jonathan M. Zang, the Complainant, filed a petition requesting the Administrative Review Board to review a Decision and Order Granting Summary Decision Dismissing Complaint issued by a Department of Labor Administrative Law Judge on March 27, 2008, in this case arising under the whistleblower provisions of the Sarbanes-Oxley Act of 2002 (SOX).¹ On April 16, 2008, Zang filed a notice of substitution of counsel and a Notice of intent to File Sarbanes-Oxley Complaint in United States District Court. Accordingly, we ordered the parties to show cause no later than May 15, 2008, why the Board should not dismiss Zang's appeal pursuant to 29 C.F.R. § 1980.114.

The Respondents have filed an opposition to the Order to Show Cause indicating that they intend to file a motion with the district court to dismiss Zang's complaint with prejudice or in the alternative "to exercise its inherent authority to stay the action and issue a mandamus to the Department of Labor to issue a ruling on Zang's appeal of the ALJ's decision dismissing his complaint."

Accordingly, in the interest of judicial economy, we will hold this case in abeyance pending the ruling of the district court on the Respondents' motion. The parties

¹ 18 U.S.C.A. § 1514A (West Supp. 2005).

are requested to notify the Board as soon as the district court acts on the Respondents' motion, so that the Board may issue an order in accordance with the court's decision.

FOR THE ADMINISTRATIVE REVIEW BOARD:

Janet R. Dunlop
General Counsel