

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 07 April 2006

CASE NO.: 2006-SOX-00059

In the Matter of:

JAMES M. NESSA,
Complainant,

vs.

OTTER TAIL CORPORATION,
Respondent.

ORDER VACATING HEARING AND DISMISSING CASE

This case is scheduled for a hearing before me on April 19, 2006, in Fargo, North Dakota, based on a complaint filed by James M. Nessa, Complainant, against the Respondent, Otter Tail Corporation, alleging a violation of Section 806 of the Corporate And Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002, 18 U.S.C. § 1514A. The Complainant requested a hearing before the Office of Administrative Law Judges after the Regional Administrator for the Occupational Safety & Health Administration dismissed his complaint.

On April 4, 2006, I was notified by the Complainant's counsel that he is no longer interested in pursuing his appeal and asked that this matter be dismissed. His request is GRANTED.

It is hereby ORDERED that the April 19, 2006, hearing be VACATED and that this matter be DISMISSED.

A

JENNIFER GEE
Administrative Law Judge