

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 18 April 2006

Case No.: 2005-SOX-00037

In the Matter of

MICHAEL HERNANDEZ
Complainant

v.

**WELLS FARGO & COMPANY,
WELLS FARGO SECURITIES, LLC,
WELLS FARGO BANK, N.A. and
TIMOTHY SLOAN**
Respondents

FINAL ORDER CLOSING THE CASE

This matter arises from a complaint filed on September 24, 2004 by Michael Hernandez against Wells Fargo & Company under § 806 of the Corporate and Criminal Fraud Accountability Act of 2003, title VIII of the Sarbanes-Oxley Act of 2002, 18 U.S.C. § 1514A, and the regulations promulgated thereunder at 29 C.F.R. Part 1980. Subsequently the case was assigned to me, and I scheduled a formal hearing for April 18, 2005. However, on March 23, 2005, Complainant filed a notice of intention to file a complaint with the U.S. District Court, pursuant to 29 C.F.R. § 1980.114. Consequently, on March 24, 2005, I issued an "Order Suspending Proceedings Before the Office of Administrative Law Judges" that cancelled the hearing and staying the proceedings before me until Complainant notified me that he had filed a complaint in the U.S. District Court. It appears that no U.S. District Court complaint was filed.

On April 12, 2006, Complainant filed the parties' "Stipulation and Discontinuance with Prejudice" in which the parties agreed that the action pending before me "is discontinued with prejudice and without costs to any party." I find that this document is tantamount to Complainant's withdrawal of his objections to the dismissal of his complaint by the Occupational Safety & Health Administration, pursuant to 29 C.F.R. § 1980.111(c).

Accordingly, I approve the parties' agreement to discontinue this matter with prejudice and without costs to any party.

Consequently, this matter is CLOSED.

IT IS SO ORDERED.

A

Robert D. Kaplan
Administrative Law Judge

Cherry Hill, New Jersey