

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 27 October 2006**

**CASE NOS. 2005-SOX-0080, 0081, 0082, 0083 and 0084**

*In the Matter of:*

**PETER TANDY,**  
*Complainant,*

**V.**

**DEX MEDIA, THOMAS R. BAUER, LANA SETTELL, KRISTINE SHAW,**  
**and MARY JANE COX,**  
*Respondents*

**DECISION AND ORDER OF DISMISSAL**

These cases arise under the Sarbanes-Oxley Act of 2002, technically known as the Corporate and Criminal Fraud Accountability Act, P.L. 107.204 at 18 U.S.C. § 1514A et seq. (herein the Act), which provides protection for whistleblowers who are employees of publicly traded companies by permitting them to file a complaint with the Secretary of Labor. However, the Act further provides that the complainant may file a complaint for **de novo** review in the appropriate United States District Court, if the Secretary [of Labor] has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the [complainant]. 18 U.S.C. § 15144A(b)(1). By letter dated December 2, 2005, Complainant's counsel advised of intent to file a proceeding against the Respondents in U.S. District Court pursuant to 18 U.S.C. § 1514A(b)(1)(B), and requested that the undersigned dismiss this proceeding. Counsel advised that counsel for Respondents has no opposition to such a dismissal. On August 23, 2006, Complainant advised that he had filed such an action in the U.S. District Court for the District of Colorado and reiterated his request to withdraw this claim since he intended to pursue his case in the U.S. District Court of the District of Colorado.

Accordingly, the pending proceedings before this office are hereby **DISMISSED** without prejudice.

**A**

Russell D. Pulver  
Administrative Law Judge