



Issue Date: 01 May 2007

Case No.: 2007-SOX-00014

In the Matter of

WEI HE

Complainant

v.

**JOHNSON & JOHNSON/J&J PHARMACEUTICAL
RESEARCH & DEVELOPMENT**

Respondents

**FINAL ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT**

This proceeding arises from a complaint alleging a violation of the Sarbanes-Oxley Act of 2002, 18 U.S.C. 1514A (the "Sox Act"). The Occupational Safety and Health Commission ("OSHA") dismissed the complaint, and Complainant requested a hearing before an administrative law judge. A hearing was held before me on April 10, 2007, at which time Complainant moved for permission to withdraw his objections to OSHA's dismissal of the complaint and his request for a hearing, based on the parties' settlement. I adjourned the hearing pending the parties' filing written argument regarding whether they were required to submit their settlement for approval pursuant to the regulations at 29 C.F.R. § 1981.111(d)(2). In my Order dated April 24, 2007, the parties were directed to submit their settlement for my review and approval.

On April 26, 2007, Respondents submitted the parties' "Agreement to Withdraw Objections to the Secretary's Dismissal and to Withdraw Request for Hearing" ("Settlement Agreement"). Respondents' April 26, 2007, cover letter requests that the Settlement Agreement be treated as confidential information pursuant to 29 C.F.R. § 70.26, as did both parties at the hearing on April 10, 2007. As noted above, in accordance with the Settlement Agreement, Complainant moved for withdrawal of his objections to OSHA's dismissal of the complaint and his request for a hearing.

A settlement approved by an administrative law judge shall constitute the final order of the Secretary and may be enforced in a United States district court pursuant to 29 C.F.R. §§ 1980.111(e) and 1980.113.

I have carefully reviewed the terms of the Settlement Agreement. It appears to be in compliance with the law and not against public policy. The Settlement Agreement also appears

to be fair, adequate, and reasonable. The parties are both represented by counsel who have advised them regarding the Settlement Agreement.

Accordingly, it is ORDERED that:

1. The Settlement Agreement is approved.
2. The Settlement Agreement is designated as “CONFIDENTIAL COMMERCIAL INFORMATION” under 29 C.F.R. § 70.26, and shall be afforded the protections thereunder.
3. The complaint is dismissed with prejudice.

A

Robert D. Kaplan
Administrative Law Judge

Cherry Hill, New Jersey