

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 22 February 2005

Case No. 2005-AIR-3

In the Matter of

STEPHEN C. DAVIDSON

Complainant

v.

MIAMI AIR INTERNATIONAL, INC.

and

AMERICAN AIRLINES, INC.

Respondents

BEFORE: RUDOLF L. JANSEN
Administrative Law Judge

ORDER NOTIFYING COMPLAINANT OF HIS RIGHT TO RESPOND
TO MIAMI AIR INTERNATIONAL, INC.'S MOTION FOR SUMMARY DECISION

On February 17, 2005, Miami Air International, Inc. (hereinafter MAII) filed a Motion for Summary Final Order. The Motion is received as a Motion for Summary Decision as provided for by the Rules of Practice and Procedure for Administrative Hearings found at 29 C.F.R. §§ 18.40 and 18.41. The Motion indicates that service was made upon the Complainant, Stephen C. Davidson on February 14, 2005 by regular mail. Mr. Davidson is a pro se Complainant in this matter.

The procedural regulations provide that the opposing party may, within ten (10) days following service of the Motion, serve opposing affidavits or countermove for summary decision. Section 18.40(a). The Motion of MAII included six exhibits as attachments.

Complainant is advised by this Order that he has a right pursuant to the applicable regulations to file counter-affidavits or other responsive material. Complainant is warned that failure to respond pursuant to the Rules of Practice and Procedure for Administrative Hearings before this office may result in the entry of a summary judgment against him.

Complainant will have until March 9, 2005 within which to file a response. The Aviation Investment and Reform Act contemplates the expeditious handling of these cases and therefore, no extension of time for filing a responsive statement will be granted.

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RUDOLF L. JANSEN
Administrative Law Judge