

**U.S. Department of Labor**

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**Issue Date: 21 July 2004**

Case No.: 2004-SOX-17

In the Matter of:

PETER N. MICHAELSON

Complainant

v.

OFFICEMAX, INC.

Respondent

BEFORE: RUDOLF L. JANSEN  
Administrative Law Judge

FINAL ORDER APPROVING SETTLEMENT

This proceeding arises from a complaint filed by Peter N. Michaelson alleging that the Respondent violated § 806 of the Corporate and Criminal Fraud Accountability Act of 2002, 18 U.S.C. § 1514A (Sarbanes-Oxley Act). On June 21, 2004, I issued an Order Disapproving the Settlement Agreement and Release of Claims submitted by the parties for my review. The disapproval was based upon my conclusion that it was subject to amendment and interpretation and any modification of the material terms of the negotiated settlement required the consent of the parties.

On July 20, 2004, I received by facsimile transmission a copy of a document captioned Parties Joint Statement of Agreement with June 21, 2004 Order. That statement reads as follows:

The Complainant, Peter N. Michaelson, and the Respondent, OfficeMax, Inc., have reviewed the June 21, 2004 *Order Disapproving Settlement Agreement* in the captioned matter. Pursuant to that Order, the parties hereby express their agreement with the

comments noted in the Order and incorporate each of those comments by reference into their *Settlement Agreement and Release of Claims*.

The Joint Statement is signed by the Complainant, and counsel for both the Complainant and Respondent. The parties' statement fully complies with the directive contained within my Order of June 21, 2004 by which the Settlement Agreement had been disapproved.

Upon review of the Settlement Agreement and Release of Claims, as subject to the parties express agreement with the comments noted in my Order of June 21, 2004, and as each of those comments are incorporated by reference into the Settlement Agreement and Release of Claims, it is my conclusion that the terms of the settlement are fair, adequate and reasonable and fully protect the Complainant. Thus IT IS HEREBY ORDERED that the Settlement Agreement and Release of Claims is approved and this case is dismissed with prejudice.

**A**

Rudolf L. Jansen  
Administrative Law Judge