

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 07 May 2009**

CASE NO.: 2007-TSC-00002

*In the Matter of*

**SCOTT SOMERS,**  
Complainant,

v.

**FLUOR HANDFORD, INC. AND  
TRS STAFFING SOLUTIONS,**  
a wholly owned subsidiary of Fluor Corporation,  
Respondents.

**DECISION AND ORDER APPROVING SETTLEMENT**

The parties have voluntarily resolved this whistleblower case, which arose under the employee protection provision of the Toxic Substances Control Act, 15 U.S.C. §2622 (“the Act”). They addressed all issues through entry of a judgment following a Rule 68 offer in a related state court action in Benton County, Washington. *Somers v. Fluor Hanford, Inc., et al.*, Benton Superior Court Case No. 07-2-00366-2. Under the judgment, Respondents paid \$175,000 to Complainant and his counsel: \$106,276.20 to Complainant and \$68,723.80.

There is an extensive record in this case, including a motion for summary decision in which both parties presented their respective evidence on most issues. The record is sufficient for me to evaluate the settlement. I find that the settlement adequately protects the public’s interests and treats Complainant equitably. Given the extent of the pre-trial litigation, the fees paid counsel are appropriate.

Accordingly, the parties’ settlement, as detailed in the state court judgment and their joint statement submitted to this Office on May 6, 2009, is APPROVED, and this matter is DISMISSED.

SO ORDERED.

**A**

STEVEN B. BERLIN  
Administrative Law Judge