

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
721 19th St. Suite 443
Denver, CO 80202-2500
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July 14, 2016

SECRETARY OF LABOR, MSHA, on
behalf of **CHERYL GARCIA**,
Complainant,

v.

VERIS GOLD USA, INC., and its
successors,
Respondent.

DISCRIMINATION PROCEEDING

Docket No. WEST 2014-905-DM
WE MD 14-16

Jerritt Canyon Mill
Mine ID 26-01621

ORDER OF DISMISSAL
ORDER VACATING DEFAULT ORDER

Before: Judge Simonton

This case is before me upon a discrimination complaint filed pursuant to section 105(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815(c)(2), by the Secretary of Labor on behalf of Ms. Cheryl Garcia (Complainant) against Veris Gold USA, Inc. (Respondent).

On July 11, 2016, this court issued an Amended Order Conditionally Approving Withdrawal Motion and Order Conditionally Vacating Default Order stating that this matter would be dismissed with prejudice and the September 21, 2015 Default Order would be vacated after confirmation of full satisfaction of the parties' private settlement agreement. July 11, 2016 Order. On July 12, 2016, counsel for the Complainant and Respondent represented that the terms of the settlement agreement had been completed and satisfied.

Accordingly, the September 21, 2015 Default Order is **VACATED** and this matter is **DISMISSED** with prejudice.



David P. Simonton
Administrative Law Judge

Distribution: (U.S. First Class Mail)

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DISCRIMINATION PROCEEDING

Docket No. WEST 2014-905-DM
WE MD 14-16

Jerritt Canyon Mill
Mine ID 26-01621

AMENDED ORDER CONDITIONALLY APPROVING WITHDRAWAL MOTION¹
ORDER CONDITIONALLY VACATING DEFAULT ORDER

Before: Judge Simonton

This case is before me upon a discrimination complaint filed pursuant to section 105(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815(c), by the Secretary of Labor on behalf of Ms. Cheryl Garcia against Veris Gold USA., Inc.

Complainant Cheryl Garcia, through the Secretary, has withdrawn her complaint in this matter, originally filed with the Secretary on May 6, 2014, and filed by the Secretary before the Commission on August 4, 2014, and moves for an Order of Dismissal, with prejudice, of their respective complaints against Veris Gold USA, Inc., and any claimed or potential successor(s), including but not limited to Jerritt Canyon Gold, LLC, Whitebox Asset Management, and Eric Sprott.

Additionally, Complainant, through the Secretary, moves for an Order to Vacate, with prejudice, the September 21, 2015, Default Order entered against Respondent Veris Gold USA, Inc. and any claimed or potential successor(s), including, but not limited to Jerritt Canyon Gold, LLC, Whitebox Asset Management, and Eric Sprott. In light of the Complainant's resolution of her dispute with the Respondents and withdrawal of her claim, my previously issued Default Order is now moot. I therefore conditionally grant this motion to vacate the default order.

ORDER

THEREFORE, consistent, with prior court review, Complainant's Motion to Withdraw her Section 105(c) Complaint and to Vacate Default Order, with prejudice, is **CONDITIONALLY APPROVED**. This matter will be immediately dismissed with prejudice

¹ Order was amended to include conditional vacatur of the September 21, 2015 Default Order.

upon notification from the Secretary and the Complainant of the full execution of the parties' agreed upon resolution.



David P. Simonton
Administrative Law Judge

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