

**UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC**

In the Matter of PANALPINA, INC.

FAA Order No. 2007-2

Docket No. CP06SO0029
DMS No. FAA-2006-25625¹

Served: March 12, 2007

**ORDER DISMISSING APPEAL AND
TERMINATING PROCEEDINGS²**

On December 4, 2006, Administrative Law Judge (ALJ) Richard C. Goodwin issued an order entitled “Order Entering Default Judgment Against Respondent.” In the order, the ALJ dismissed Panalpina’s request for hearing with prejudice, deemed all the allegations in the complaint as admitted, granted Complainant’s motion for an order assessing civil penalty, and assessed a \$42,000 civil penalty. Subsequently, Panalpina filed a notice of appeal from the ALJ’s order. On January 16, 2007, the agency attorney filed a motion withdrawing the complaint and moving to terminate the proceedings with prejudice. The agency attorney explained in the motion that the parties had reached a settlement.

¹ Materials filed in the FAA Hearing Docket (except for materials filed in security cases) are also available for viewing through the Department of Transportation’s Docket Management System (DMS). Access may be obtained through the following Internet address: <http://dms.dot.gov>.

² The Administrator’s civil penalty decisions, along with indexes of the decisions, the rules of practice, and other information, are available on the Internet at the following address: http://www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/AGC400/Civil_Penalty/. In addition, Thomson/West publishes Federal Aviation Decisions. Finally, the decisions are available through LEXIS (TRANS library) and WestLaw (FTRAN-FAA database). For additional information, see the website.

In light of the withdrawal of the complaint and the settlement reached by the parties, Panalpina's appeal is moot³ and is dismissed. The proceedings in this matter are hereby dismissed with prejudice.⁴

MARION C. BLAKEY, ADMINISTRATOR
Federal Aviation Administration

[Original signed by Vicki S. Leemon]

VICKI S. LEEMON⁵
Mgr., Adjudication Branch, AGC-430

Issued this 12th day of March 2007.

³ In the Matter of Lewis, FAA Order No. 2005-11 (April 27, 2005) (holding that the respondent's appeal of an ALJ's initial decision was moot after the agency attorney withdrew the complaint); In the Matter of Griffin, FAA Order No. 1992-9 (February 6, 1992) (holding that the respondent's appeal of an ALJ's initial decision was moot after the agency attorney withdrew the complaint and the Final Notice of Proposed Civil Penalty).

⁴ See 14 C.F.R. § 13.215, which provides that if the agency attorney withdraws the complaint or a party withdraws the request for a hearing and the answer, the ALJ will dismiss the proceedings with prejudice.

⁵ Issued under authority delegated to the Chief Counsel and the Assistant Chief Counsel for Litigation by Memorandum dated October 27, 1992, under 49 U.S.C. § 322(b) and 14 C.F.R. § 13.202 (*see* 57 Fed. Reg. 58,280 (1992)) and redelegated by the Assistant Chief Counsel for Litigation to the Manager, Adjudication branch, by Memorandum dated August 6, 1993.