

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**R. ALEXANDER ACOSTA, Secretary of Labor,  
United States Department of Labor**

**Petitioner,**

**vs.**

**3:19-MC-25  
(TJM/TWD)**

**JOHN HITCHINGS, individually and as Trustee  
of John Hitchings 401k Profit Sharing Plan &  
Trust,**

**Respondent.**

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**Thomas J. McAvoy,  
Sr. U.S. District Judge**

**ORDER**

Upon consideration of the Secretary of Labor's Petition to Enforce an Administrative Subpoena, and the submissions therein, and for good cause shown, the Secretary's Petition, dkt. # 1, is hereby GRANTED. Accordingly:


1. Respondent John Hitchings is hereby ORDERED to appear at the Syracuse office of the Wage and Hours Division, United States Department of Labor, 100 South Clinton Street Room 1373, on a date and a time set by the Employee Benefits Security Administration ("EBSA"). That date shall be within ten (10) days of the date of this Order;
2. Respondent shall appear at the time and place to testify specified by the Petitioner and produce documents in compliance with the administrative

subpoena issued by EBSA on February 14, 2019;

3. Respondent shall appear and comply with the subpoena and cease his disobedience and resistance to that subpoena or be subject to sanctions for contempt of court; and
4. The applicable statute of limitations is hereby TOLLED from March 15, 2019 until the date that Respondent fully complies with the administrative subpoena. The Petitioner shall promptly notify the Court when Respondent complies.

**IT IS SO ORDERED.**

Dated: September 20, 2019

  
Thomas J. McAvoy  
Senior, U.S. District Judge