

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 04-0012
)	
Dennis Hill, an individual, d/b/a)	
White Tiger Foundation; and)	
Willow Hill Center for Rare &)	
Endangered Species, LLC, an)	
Indiana domestic liability)	
company, d/b/a Hill's Exotics,)	Ruling Granting Complainant's
)	Motion to Continue Time for Parties
Respondents)	to Comply with Exchange Deadlines

On June 3, 2004, the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture [hereinafter Complainant], filed a "Motion for Adoption of Proposed Decision and Order" and a proposed "Decision and Order as to Dennis Hill and Willow Hill Center for Rare & Endangered Species, LLC, By Reason of Admission of Facts." On June 15, 2004, and June 23, 2004, Dennis Hill and Willow Hill Center for Rare & Endangered Species, LLC [hereinafter Respondents], filed objections to Complainant's Motion for Adoption of Proposed Decision and Order.¹

On July 14, 2004, Administrative Law Judge Victor W. Palmer [hereinafter the ALJ] filed a "Notice of Hearing and Exchange Deadlines": (1) denying Complainant's

¹"Objection to Motion for Adoption of Proposed Decision and Order" and "Supplemental Objection to Motion for Adoption of Proposed Decision and Order."

Motion for Adoption of Proposed Decision and Order; (2) scheduling a hearing to commence in Indianapolis, Indiana, in March 2005; (3) ordering that, by September 2, 2004, Complainant's counsel deposit for next business day delivery to Respondents' counsel copies of Complainant's proposed exhibits, a list of proposed exhibits, and a list of anticipated witnesses; and (4) ordering that, by October 4, 2004, Respondents' counsel deposit for next business day delivery to Complainant's counsel copies of Respondents' proposed exhibits, a list of Respondents' proposed exhibits, and a list of anticipated witnesses.

On August 27, 2004, Complainant appealed the ALJ's denial of Complainant's Motion for Adoption of Proposed Decision and Order² to the Judicial Officer and moved to continue, without date, the September 2, 2004, and October 4, 2004, exchange deadlines set by the ALJ for the exchange of proposed exhibits, lists of proposed exhibits, and lists of anticipated witnesses.³ On August 31, 2004, the Hearing Clerk transmitted the record to the Judicial Officer for a ruling on Complainant's Motion to Continue Time for Parties to Comply With Exchange Deadlines.

Due to the 2-day period between the time I received Complainant's Motion to Continue Time for Parties to Comply With Exchange Deadlines and the September 2, 2004, exchange deadline, the Office of the Judicial Officer faxed a copy of

²"Complainant's Appeal Petition."

³"Complainant's Motion to Continue Time for Parties to Comply With Exchange Deadlines."

Complainant's Motion to Continue Time for Parties to Comply With Exchange Deadlines to Respondents seeking an expedited response to Complainant's motion. Respondents have not provided a response to Complainant's Motion to Continue Time for Parties to Comply With Exchange Deadlines.

I agree with Complainant's assertion⁴ that if, after consideration of Complainant's appeal petition and any response filed by Respondents, I find the ALJ's denial of Complainant's Motion for Adoption of Proposed Decision and Order is error, then the exchange ordered by the ALJ would be moot. Therefore, based on the current posture of this proceeding, I find good reason to continue, without date, the September 2, 2004, and October 4, 2004, exchange deadlines set by the ALJ.

For the foregoing reasons, the following Ruling should be issued.

⁴See Memorandum of Points and Authorities at 2 attached to Complainant's Motion to Continue Time for Parties to Comply With Exchange Deadlines.

RULING

The September 2, 2004, and October 4, 2004, exchange deadlines set by the ALJ for the parties to exchange copies of proposed exhibits, lists of proposed exhibits, and lists of anticipated witnesses are continued, without date.

Done at Washington, DC

September 2, 2004

William G. Jenson
Judicial Officer