

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 15-0080
)
Timothy L. Stark, an individual,) **Order Directing the Hearing Clerk**
) **to Serve Mr. Mosley and Mr. Rush with**
Respondent) **All Pleadings, Orders, and Documents**

On March 23, 2015, David E. Mosley of Mosley, Bertrand & McCall, Jeffersonville, Indiana, entered an appearance as counsel on behalf of Timothy L. Stark. On October 5, 2015, C. Richard Rush, of the Rush Law Office, New Albany, Indiana, entered an appearance as counsel on behalf of Mr. Stark. On January 11, 2016, Acting Chief Administrative Law Judge Janice K. Bullard [Chief ALJ] issued a Decision and Order Denying and Granting Summary Judgment [Decision and Order] in which the Chief ALJ noted that neither Mr. Mosley nor Mr. Rush had withdrawn his appearance and ordered service of all pleadings, orders, and other documents on both Mr. Mosley and Mr. Rush.¹

On February 11, 2016, Kevin Shea, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture [Administrator], appealed the Chief ALJ's Decision and Order to the Judicial Officer.² On February 29, 2016, Mr. Stark, filed a response

¹Chief ALJ's Decision and Order ¶ III at 2.

²Complainant's Petition for Appeal and Supporting Brief [Appeal Petition].

in opposition to the Administrator's Appeal Petition.³ On March 1, 2016, the Hearing Clerk transmitted the record to the Office of the Judicial Officer for consideration and decision, and the proceeding is now within my jurisdiction.

The record does not indicate that either Mr. Mosley or Mr. Rush has withdrawn his appearance on behalf of Mr. Stark or that the Hearing Clerk has served Mr. Rush with the pleadings, orders, and other documents filed in this proceeding, as ordered by the Chief ALJ. I direct the Hearing Clerk to comply with the Chief ALJ's January 11, 2016, order by:

(1) serving Mr. Rush with all pleadings, orders, and other documents filed in this proceeding; and (2) serving Mr. Mosley with any pleadings, orders, and other documents that the Hearing Clerk has not previously served on Mr. Mosley.

Done at Washington, DC

March 3, 2016

William G. Jenson
Judicial Officer

³Respondent Stark's Response in Opposition to Complainant's Appeal.