

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 12-0538
)
James G. Woudenberg, d/b/a)
R & R Research,)
)
Respondent)

**Order Denying Request to Reconsider the March 25, 2014, Order
Extending Time for Filing Complainant's Appeal Brief**

On March 19, 2014, the Acting Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture [hereinafter the Administrator], filed an appeal petition and a motion requesting that I extend to April 18, 2014, the time for filing the Administrator's brief in support of the appeal petition. On March 25, 2014, I issued an Order Extending Time for Filing Complainant's Appeal Brief, and on March 26, 2014, James G. Woudenberg filed Respondent's Objections to Complainant's March 19, 2014 Motion for Extension of Time. As I previously granted the Administrator's March 19, 2014, request for an extension of time, I treat Mr. Woudenberg's objections to the Administrator's March 19, 2014, request for an extension time as a request that I reconsider the March 25, 2014, Order Extending Time for Filing Complainant's Appeal Brief.

Mr. Woudenberg raises no meritorious basis for granting his request for reconsideration of the March 25, 2014, Order Extending Time for Filing Complainant's Appeal Brief; therefore, I deny Mr. Woudenberg's request for reconsideration.

However, I find troubling Mr. Woudenberg's assertions that the Hearing Clerk failed to

serve Mr. Woudenberg with the Administrator's March 19, 2014, motion for extension of time and the Administrator's appeal petition. Therefore, the Hearing Clerk is ordered, contemporaneous with service of this Order on Mr. Woudenberg, to serve Mr. Woudenberg with a copy of the Administrator's March 19, 2014, motion for extension of time and the Administrator's appeal petition.

As for Mr. Woudenberg's assertion that the Administrator's appeal petition was not timely filed, Mr. Woudenberg may address that issue in any response he may have to the Administrator's appeal petition. The time for filing a response to the Administrator's appeal petition does not begin to run until Mr. Woudenberg is served either with the Administrator's appeal brief or with a filing by the Administrator stating that no appeal brief will be filed.

Done at Washington, DC

March 27, 2014

William G. Jenson
Judicial Officer