

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) PACA Docket No. D-01-0023
)
Baiardi Chain Food Corp.,)
)
Respondent) **Stay Order**

On September 2, 2005, I issued a Decision and Order concluding Baiardi Chain Food Corp. [hereinafter Respondent] violated the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §§ 499a-499s), and ordering publication of the facts and circumstances of Respondent's violations.¹ On October 21, 2005, Respondent filed a petition for reconsideration, which I denied.²

On January 11, 2006, Respondent filed a petition for review of *In re Baiardi Chain Food Corp.*, 64 Agric. Dec. ____ (Sept. 2, 2005), and *In re Baiardi Chain Food Corp.*, 64 Agric. Dec. ____ (Nov. 15, 2005) (Order Denying Pet. for Recons.), with the United States Court of Appeals for the Third Circuit. On May 12, 2005, Eric Forman, Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service,

¹*In re Baiardi Chain Food Corp.*, 64 Agric. Dec. ____, slip op. at 13, 17, 22 (Sept. 2, 2005).

²*In re Baiardi Chain Food Corp.*, 64 Agric. Dec. ____ (Nov. 15, 2005) (Order Denying Pet. for Recons.).

United States Department of Agriculture [hereinafter Complainant], filed a “Motion for a Stay Order as to Respondent Baiardi Food Chain Corp.” [hereinafter Motion for Stay] requesting a stay of the Orders in *In re Baiardi Chain Food Corp.*, 64 Agric. Dec. ____ (Sept. 2, 2005), and *In re Baiardi Chain Food Corp.*, 64 Agric. Dec. ____ (Nov. 15, 2005) (Order Denying Pet. for Recons.), pending the outcome of proceedings for judicial review. On May 12, 2006, Respondent informed the Office of the Judicial Officer, by telephone, that it has no objection to Complainant’s Motion for Stay.

In accordance with 5 U.S.C. § 705, Complainant’s Motion for Stay is granted.

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

ORDER

The Orders in *In re Baiardi Chain Food Corp.*, 64 Agric. Dec. ____ (Sept. 2, 2005), and *In re Baiardi Chain Food Corp.*, 64 Agric. Dec. ____ (Nov. 15, 2005) (Order Denying Pet. for Recons.), are stayed pending the outcome of proceedings for judicial review. This Stay Order shall remain effective until lifted by the Judicial Officer or vacated by a court of competent jurisdiction.

Done at Washington, DC

May 15, 2006

William G. Jenson
Judicial Officer