

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	HPA Docket No. 99-0013
)	
William J. Reinhart and)	Rulings Denying Complainant's
Reinhart Stables,)	Motion to Lift Stay Order and
)	Respondent's Motion to Amend
Respondents)	Case Caption

On November 9, 2000, I issued a Decision and Order concluding William J. Reinhart, d/b/a Reinhart Stables [hereinafter Respondent], violated the Horse Protection Act of 1970, as amended (15 U.S.C. §§ 1821-1831) [hereinafter the Horse Protection Act]. *In re William J. Reinhart*, 59 Agric. Dec. 721 (2000). On May 30, 2001, Respondent requested a stay of the Order in *In re William J. Reinhart*, 59 Agric. Dec. 721 (2000), pending the outcome of proceedings for judicial review. The Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture [hereinafter Complainant], failed to file a timely response to Respondent's request for a stay. On June 20, 2001, I stayed the Order issued in *In re William J. Reinhart*, 59 Agric. Dec. 721 (2000), pending the outcome of proceedings for judicial review. *In re William J. Reinhart*, 60 Agric. Dec. 267 (2001) (Stay Order).

On December 30, 2002, Complainant requested that I lift the June 20, 2001, Stay Order on the ground that proceedings for judicial review have concluded (Motion to Lift Stay Order). On January 27, 2003, Respondent filed “Respondent’s Response in Opposition to Motion to Lift Stay Order” stating he filed a petition for a writ of certiorari with the Supreme Court of the United States on December 17, 2002, which petition is still pending in the Court. Respondent asserts proceedings for judicial review are not concluded; therefore, Complainant’s Motion to Lift Stay Order should be denied. On January 29, 2003, the Hearing Clerk transmitted the record to me for a ruling on Complainant’s Motion to Lift Stay Order.

The Office of the Clerk of the Supreme Court of the United States informed the Office of the Judicial Officer that Respondent attempted to file a petition for a writ of certiorari with the Supreme Court of the United States in December 2002. However, the Supreme Court of the United States returned the petition to Respondent for correction with instructions that the corrected petition for a writ of certiorari must be filed within 60 days. The time for Respondent’s filing a corrected petition for a writ of certiorari has not yet expired. Therefore, I deny Complainant’s Motion to Lift Stay Order.

In addition to opposing Complainant’s Motion to Lift Stay Order, Respondent moves to amend the case caption to eliminate the reference to “Reinhart Stables” on the ground that I did not conclude that Reinhart Stables violated the Horse Protection Act (Respondent’s Response in Opposition to Motion to Lift Stay Order at 2). Complainant declined the opportunity to respond to Respondent’s motion to amend the case caption.

My conclusion that Reinhart Stables did not violate the Horse Protection Act is not a basis for amending the case caption to eliminate the reference to “Reinhart Stables.” However, I also concluded in the November 9, 2000, Decision and Order that Reinhart Stables was merely a name under which William J. Reinhart did business. *In re William J. Reinhart*, 59 Agric. Dec. 721, 731, 738, 766-68 (2000). Based on the conclusion that Reinhart Stables was merely a name under which William J. Reinhart was conducting business, Reinhart Stables may not be a proper party in this proceeding. Nonetheless, I am reluctant to disturb any decision and order while it may be the subject of judicial review. Generally, courts should not be presented with a “moving target” when reviewing a decision and order.¹ Therefore, I deny Respondent’s motion to amend the case caption.

¹*See In re Jerry Goetz*, 60 Agric. Dec. 234, 237-38 (2001) (Ruling Denying Complainant’s Mot. to Lift Stay).

Based on my review of the record, I find that my ruling denying Respondent's motion to amend the case caption has no effect on Respondent. Respondent is free to renew his motion to amend the case caption after proceedings for judicial review are concluded.

Done at Washington, DC

February 4, 2003

William G. Jenson
Judicial Officer