

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

2016 JUN -2 PM 4: 17

RECEIVED

Docket No. 13-0365
Docket No. 13-0366

In re:

HOWARD HAMILTON and
PATRICK W. THOMAS,

Respondents.

ORDER CONFIRMING RULINGS

Appearances:

Brian Hill, Esq. with the Office of the General Counsel, United States Department of Agriculture, Washington, DC, for the Complainant.

Alicia A. Napier, Esq., the Norton Law Firm, Shelbyville, TN, for the Respondents (Howard Hamilton and Patrick Thomas).

On June 2, 2016, I conducted a telephone conference with counsel in the above captioned case. After due consideration of the position of the parties regarding the procedural status of this case; including the fact that the Administrator's Complaint alleging two separate violations of the Horse Protection Act are based on incidents occurring on 6/22/12 and 7/21/12; the fact that there have been multiple withdrawals of counsel and continuances; and the fact that the Respondents have failed to show cause why a Decision and Order should not be entered on the record in this matter; the following rulings are hereby confirmed:

No further continuances will be granted in this proceeding.

Respondents have 30 days from the date of this Order to file their **Responsive Evidence** in this case with the Hearing Clerk.

The parties are directed to engage in good faith settlement efforts to resolve this matter. Of course, should the parties SETTLE this case, no response will be required.


A Decision and Order will be entered on the record.

The parties shall deliver all filings directly to the Hearing Clerk. The Hearing Clerk's contact information is at the bottom of the last page. Filings should ordinarily be submitted in quadruplicate and must *arrive* in the Hearing Clerk's office earlier than 4:30 pm Eastern to be stamped "Received" on the arrival date. Please use a next-business-day delivery service through a commercial carrier such as FedEx or UPS to ensure timely filing.

For short filings (a few pages), you may instead utilize the Hearing Clerk's FAX number. Or, e-mail to OALJHearingClerks@ocio.usda.gov if that proves convenient. When FAXing or emailing to the Hearing Clerk, submit once [NOT in quadruplicate].

Copies of this order shall be sent by the Hearing Clerk to each of the parties (by ordinary mail or other ordinary delivery).

Done at Washington, D.C.
this 2nd day of June 2016



Bobbie J. McCartney
Chief Administrative Law Judge

Hearing Clerk's Office
U.S. Department of Agriculture
Stop 9203 South Building Room 1031
1400 Independence Ave SW
Washington, DC 20250-9203
202-720-4443
FAX 202-720-9776
OALJHearingClerks@ocio.usda.gov

CERTIFICATE OF SERVICE

Respondent. Howard Hamilton and Patrick W. Thomas
Docket No. 13-0365 and 13-0366

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct and this is to certify that a copy of the foregoing has been furnished and was served upon the following parties on June 3, 2016 by the following:

USDA (OGC) –Electronic Mail

Brian Hill
Mai Dinh
Joyce McFadden

Respondent(s) - Regular Mail

Alicia N, Napier
124 East Side Square
P.O. Drawer 37
Shelbyville, TN 37162

Respectfully Submitted,



GiVonna Stuart
Hearing Clerk Liaison Officer
USDA/Office of Administrative Law Judges
Hearing Clerk's Office
1400 Independence Ave., SW, Room 1031-S
Washington, DC 20250-9203
Phone: 202-720-4443