

**UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE**

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In re:

CRICKET HOLLOW ZOO, INC., an Iowa corporation;
PAMELA J. SELLNER, an individual;
THOMAS J. SELLNER, an individual;
and PAMELA J. SELLNER, TOM J. SELLNER,
an Iowa general partnership doing business as
CRICKET HOLLOW ZOO,

Respondents.

ORDER DENYING MOTION TO INTERVENE

On July 30, 2015, the United States Department of Agriculture (“USDA”; Complainant”) filed a complaint against Cricket Hollow Zoo, Inc., Pamela J. Sellner, Thomas J. Sellner, and Pamela J. Sellner Tom J. Sellner, d/b/a Cricket Hollow Zoo (“Respondents”), alleging violations of the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (“Act” or “AWA”), and the regulations issued pursuant thereto (9 C.F.R. § 1.1 et seq.) (“Regulations”). Respondents timely filed an Answer.

On October 28, 2015, the Animal Legal Defense Fund (“ALDF”) moved for leave to intervene in the instant action. Complainant and Respondents filed opposition to the motion.

Upon review of the positions of the parties, I find it appropriate to DENY ALDF’s motion. The instant matter involves an enforcement action brought by the Secretary of Agriculture to determine whether the named Respondents violated the AWA and if so, what civil penalties should be imposed. This authority rests solely with the Secretary, and ADLF’s presence in the case would represent interference with that authority. As the decision maker in

the pending enforcement action, I will review the evidence and the arguments presented by Complainant and Respondents, and the viewpoints and positions of a non-party are not relevant to the ultimate findings of fact and conclusions of law that I reach regarding Respondent's compliance with the AWA, and the appropriate penalty to impose, if any.

Copies of this Order shall be served upon the parties and counsel by the Hearing Clerk.

So ORDERED this 30th day of December, 2015, in Washington, D.C.



Janice K. Bullard
Administrative Law Judge