

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	I & G Docket No. 03-0001
)	
Bruce Lion, an individual;)	
Alfred Lion, Jr., an individual;)	
Daniel Lion, an individual;)	
Jeffrey Lion, an individual;)	
Larry Lion, an individual;)	
Isabel Lion, an individual;)	
Lion Raisins, Inc., a California)	
corporation; Lion Raisin)	
Company, a partnership or)	
unincorporated association; and)	
Lion Packing Company, a)	
partnership or unincorporated)	Ruling on Charles Pashayan, Jr.’s
association,)	Motion for Settlement Conference and
)	Motion for Reinstatement as
Respondents)	Respondents’ Attorney of Record

Motion for Settlement Conference

On May 11, 2006, Charles Pashayan, Jr., filed a request that Chief Administrative Law Judge Marc R. Hillson direct the parties and their counsel to attend a conference to settle the instant proceeding.¹ The record establishes that Charles Pashayan, Jr., is not a

¹Charles Pashayan, Jr.’s motion for settlement conference is erroneously directed to Chief Administrative Law Judge Marc R. Hillson. The Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes
(continued...)

party in the instant proceeding. Further, the record establishes that Charles Pashayan, Jr., is not an attorney of record for any party in the instant proceeding. To the contrary, Charles Pashayan, Jr., attached to his May 11, 2006, filing, a copy of a notice which states he withdrew as Respondents' attorney of record effective December 29, 2005.² Moreover, Charles Pashayan, Jr., also includes in his May 11, 2006, filing, a request for reinstatement as Respondents' attorney of record. As Charles Pashayan, Jr., is neither a party in the instant proceeding nor an attorney of record for any party in the instant proceeding, he may not appear in this proceeding, and Charles Pashayan, Jr.'s motion for settlement conference must be dismissed.

Motion for Reinstatement as Respondents' Attorney of Record

On May 11, 2006, Charles Pashayan, Jr., filed a request that Chief Administrative Law Judge Marc R. Hillson reinstate him as Respondents' attorney of record.³ A party

¹(...continued)

(7 C.F.R. §§ 1.130-.151) [hereinafter the Rules of Practice] provide that the Judicial Officer will rule on any motions filed after an appeal is filed (7 C.F.R. § 1.143(a)). The Administrator, Agricultural Marketing Service, United States Department of Agriculture [hereinafter Complainant], filed an appeal petition on January 27, 2006. Charles Pashayan, Jr., filed the motion for settlement conference on May 11, 2006. Therefore, the Judicial Officer has jurisdiction to rule on Charles Pashayan, Jr.'s motion for settlement conference.

²Respondents' Notice of Withdrawal of Mr. Pashayan as Attorney of Record; and Notice of Designation of Mr. Pashayan as Legal Counsel for Settlement Discussions.

³Charles Pashayan, Jr.'s motion for reinstatement as Respondents' attorney of record is erroneously directed to Chief Administrative Law Judge Marc R. Hillson. The Rules of Practice provide that the Judicial Officer will rule on any motions filed after an
(continued...)

who desires assistance of counsel in an administrative adjudicatory proceeding before the Secretary of Agriculture bears the responsibility of obtaining counsel.⁴ The Judicial Officer cannot appoint counsel for a party. Therefore, I must dismiss Charles Pashayan, Jr.'s motion for reinstatement as Respondents' attorney of record.

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

RULING

1. Charles Pashayan, Jr.'s motion for settlement conference is dismissed.
2. Charles Pashayan, Jr.'s motion for reinstatement as Respondents' attorney of record is dismissed.

Done at Washington, DC

November 29, 2006

William G. Jenson
Judicial Officer

³(...continued)
appeal is filed (7 C.F.R. § 1.143(a)). Complainant filed an appeal petition on January 27, 2006. Charles Pashayan, Jr., filed the motion for reinstatement as Respondents' attorney of record on May 11, 2006. Therefore, the Judicial Officer has jurisdiction to rule on Charles Pashayan, Jr.'s motion for reinstatement as Respondents' attorney of record.

⁴*In re Steven Bourk* (Decision as to Steven Bourk and Carmella Bourk), 61 Agric. Dec. 25, 50 (2002); *In re Steven M. Samek* (Ruling Denying Steven M. Samek's Motion for Assistance With Appeal), 57 Agric. Dec. 1276, 1278 (1998); *In re Garland E. Samuel*, 57 Agric. Dec. 905, 911 (1998).