

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) PACA Docket No. D-03-0026  
)  
G & T Terminal Packaging )  
Co., Inc., and Tray-Wrap, Inc., )  
)  
Respondents ) **Order Lifting Stay Order**

On September 8, 2005, I issued a Decision and Order concluding G & T Terminal Packaging Co., Inc., and Tray-Wrap, Inc. [hereinafter Respondents], violated the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §§ 499a-499s) [hereinafter the PACA] and revoking Respondents' PACA licenses.<sup>1</sup>

Respondents filed a petition for review of *In re G & T Terminal Packaging Co.*, 64 Agric. Dec. 1839 (2005), with the United States Court of Appeals for the Second Circuit. On November 29, 2005, Eric Forman, Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture [hereinafter the Associate Deputy Administrator], filed a Motion for Stay requesting a stay of the Order in *In re G & T Terminal Packaging Co.* pending the

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<sup>1</sup>*In re G & T Terminal Packaging Co.*, 64 Agric. Dec. 1839 (2005).

outcome of proceedings for judicial review. On December 1, 2005, I granted the Associate Deputy Administrator's Motion for Stay.<sup>2</sup>

The United States Court of Appeals for the Second Circuit affirmed *In re G & T Terminal Packaging Co.*,<sup>3</sup> and, on October 1, 2007, the Supreme Court of the United States denied Respondents' petition for writ of certiorari.<sup>4</sup> On October 2, 2007, the Associate Deputy Administrator filed a Motion to Lift Stay Order. On November 13, 2007, Respondents filed a response opposing the Associate Deputy Administrator's Motion to Lift Stay Order.

I issued the December 1, 2005, Stay Order to stay of the Order in *In re G & T Terminal Packaging Co.* pending the outcome of proceedings for judicial review. Proceedings for judicial are concluded. I find Respondents' Opposition to Motion to Lift Stay Order without merit. Therefore, the December 1, 2005, Stay Order is lifted; and the Order issued in *In re G & T Terminal Packaging Co.* is effective as follows.

### **ORDER**

1. Respondent G & T Terminal Packaging Co., Inc.'s PACA license is revoked. The revocation of Respondent G & T Terminal Packaging Co., Inc.'s PACA

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<sup>2</sup>*In re G & T Terminal Packaging Co.* (Stay Order), 64 Agric. Dec. 2004 (2005).

<sup>3</sup>*G & T Terminal Packaging Co. v. U.S. Dep't of Agric.*, 468 F.3d 86 (2d Cir. 2006).

<sup>4</sup>*G & T Terminal Packaging Co. v. U.S. Dep't of Agric.*, 128 S. Ct. 355 (2007).

license shall become effective 60 days after service of this Order on Respondent G & T Terminal Packaging Co., Inc.

2. Respondent Tray-Wrap, Inc.'s PACA license is revoked. The revocation of Respondent Tray-Wrap, Inc.'s PACA license shall become effective 60 days after service of this Order on Respondent Tray-Wrap, Inc.

Done at Washington, DC

November 14, 2007

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William G. Jenson  
Judicial Officer