

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 04-0012
)
Dennis Hill, an individual, d/b/a)
White Tiger Foundation; and)
Willow Hill Center for Rare &)
Endangered Species, LLC, an)
Indiana domestic limited liability)
company, d/b/a Hill's Exotics,)
)
Respondents) **Stay Order**

On October 8, 2004, I issued a Decision and Order: (1) concluding Dennis Hill, d/b/a White Tiger Foundation, and Willow Hill Center for Rare & Endangered Species, LLC, d/b/a Hill's Exotics [hereinafter Respondents], willfully violated the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159) [hereinafter the Animal Welfare Act], and the regulations and standards issued under the Animal Welfare Act (9 C.F.R. §§ 1.1-3.142) [hereinafter the Regulations and Standards]; (2) ordering Respondents to cease and desist from violating the Animal Welfare Act and the Regulations and Standards; (3) assessing Respondents a \$20,000 civil penalty; and (4) revoking Respondent Dennis

Hill's Animal Welfare Act license.¹ On October 27, 2004, Respondents filed a petition for reconsideration, which I denied.²

On January 24, 2005, Respondents filed a Motion for Stay Pending Review requesting a stay of the Orders in *In re Dennis Hill*, 63 Agric. Dec. ____ (Oct. 8, 2004), and *In re Dennis Hill*, 63 Agric. Dec. ____ (Nov. 30, 2004) (Order Denying Pet. for Recons.), pending the outcome of proceedings for judicial review. Respondents state they have filed a timely petition for review of *In re Dennis Hill*, 63 Agric. Dec. ____ (Oct. 8, 2004), and *In re Dennis Hill*, 63 Agric. Dec. ____ (Nov. 30, 2004) (Order Denying Pet. for Recons.), with the United States Court of Appeals for the Seventh Circuit.

On January 26, 2005, the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture [hereinafter Complainant], filed Complainant's Response to Respondents' Motion for Stay Pending Review in which Complainant disputes some of the assertions made by Respondents in Respondents' Motion for Stay Pending Review, but does not oppose my granting Respondents' Motion for Stay Pending Review. On January 26, 2005, the Hearing Clerk transmitted the record to the Judicial Officer for a ruling on Respondents' Motion for Stay Pending Review.

¹*In re Dennis Hill*, 63 Agric. Dec. ____ (Oct. 8, 2004).

²*In re Dennis Hill*, 63 Agric. Dec. ____ (Nov. 30, 2004) (Order Denying Pet. for Recons.).

In accordance with 5 U.S.C. § 705, Respondents' Motion for Stay Pending Review is granted.

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

ORDER

The Orders in *In re Dennis Hill*, 63 Agric. Dec. ____ (Oct. 8, 2004), and *In re Dennis Hill*, 63 Agric. Dec. ____ (Nov. 30, 2004) (Order Denying Pet. for Recons.), are stayed pending the outcome of proceedings for judicial review. This Stay Order shall remain effective until the Judicial Officer lifts it or a court of competent jurisdiction vacates it.

Done at Washington, DC

January 27, 2005

William G. Jenson
Judicial Officer