

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) I & G Docket No. 01-0001
)
LION RAISINS, INC., a)
California corporation formerly)
known as LION ENTERPRISES,)
INC.; LION RAISIN COMPANY,)
a partnership or unincorporated)
association; LION PACKING)
COMPANY, a partnership or)
unincorporated association; AL)
LION, JR., an individual; DAN)
LION, an individual; JEFF LION,)
an individual; and BRUCE LION,)
an individual,) **Ruling Dismissing Motion**
) **for Expedited Response to**
Respondents) **Certified Questions**

On February 20, 2004, Administrative Law Judge Jill S. Clifton [hereinafter the ALJ] certified two questions to the Judicial Officer. On June 23, 2004, Lion Raisins, Inc.; Lion Raisin Company; Lion Packing Company; Al Lion, Jr.; Dan Lion; Jeff Lion; and Bruce Lion [hereinafter Respondents] filed a motion requesting that the Judicial Officer promptly address the ALJ's certified questions.¹ On June 25, 2004, the

¹“Respondents’ Motion to the Judicial Officer to Promptly Rule on ALJ Clifton’s Notice of Intent and Amended Notice of Intention of December 23, 2003 and Later Certified Issues Re Same” [hereinafter Motion for Expedited Response to Certified

(continued...)

Administrator, Agricultural Marketing Service, United States Department of Agriculture [hereinafter Complainant], filed “Complainant’s Response to ‘Motion to the Judicial Officer.’” On June 29, 2004, the Hearing Clerk transmitted the record to the Judicial Officer for a ruling on Respondents’ Motion for Expedited Response to Certified Questions.

Section 1.143(a) of the Rules of Practice provides that motions filed or made prior to the filing of an appeal of an administrative law judge’s decision, except motions which relate directly to an appeal, shall be ruled on by the administrative law judge, as follows:

§ 1.143 Motions and requests.

(a) *General.* All motions and requests shall be filed with the Hearing Clerk, and served upon all the parties, except (1) requests for extensions of time pursuant to § 1.147, (2) requests for subpoenas pursuant to § 1.149, and (3) motions and requests made on the record during the oral hearing. The Judge shall rule upon all motions and requests filed or made prior to the filing of an appeal of the Judge’s decision pursuant to § 1.145, except motions directly relating to the appeal. Thereafter, the Judicial Officer will rule on any motions and requests, as well as the motions directly relating to the appeal.

7 C.F.R. § 1.143(a).

No appeal from an administrative law judge’s decision has been filed in this proceeding. Moreover, Respondents’ Motion for Expedited Response to Certified

¹(...continued)
Questions].

Questions does not relate to an appeal from an administrative law judge's decision in this proceeding. Therefore, the Judicial Officer cannot entertain Respondents' Motion for Expedited Response to Certified Questions and Respondents' Motion for Expedited Response to Certified Questions must be dismissed.

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

RULING

Respondents' Motion for Expedited Response to Certified Questions, filed June 23, 2004, is dismissed.

Done at Washington, DC

July 12, 2004

William G. Jenson
Judicial Officer