

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AMAA Docket No. 94-0002
)
Saulsbury Enterprises,)
an unincorporated association;)
and Robert J. Saulsbury,)
an individual,)
)
Respondents) **Order Lifting Stay Order**

On February 14, 2000, I issued a Decision and Order on Remand: (1) concluding Saulsbury Enterprises and Robert J. Saulsbury [hereinafter Respondents], violated the Marketing Order Regulating the Handling of Raisins Produced From Grapes Grown in California (7 C.F.R. pt. 989); (2) assessing Respondents a \$205,000 civil penalty; and (3) ordering Respondents to pay the Raisin Administrative Committee \$1,673.30 in assessments for crop years 1988-1989, 1989-1990, and 1990-1991.¹ Simultaneously with the issuance of the Decision and Order on Remand, I issued a stay of the Order in *In re*

¹*In re Saulsbury Enterprises* (Decision on Remand), 59 Agric. Dec. 28 (2000).

Saulsbury Enterprises (Decision on Remand), 59 Agric. Dec. 28 (2000), pending the outcome of proceedings for judicial review.²

In *Saulsbury Enterprises v. U.S. Dep't of Agric.*, No. CV-F-97-5136 REC (E.D. Cal. July 12, 2000), the Court: (1) substituted Lynette Saulsbury as plaintiff in place of Saulsbury Enterprises and the late Robert J. Saulsbury; (2) dismissed the Judicial Officer's February 14, 2000, Order assessing Respondents a civil penalty; and (3) directed entry of judgment in the amount of \$1,673.30, representing assessments to be paid to the Raisin Administrative Committee for crop years 1988-1989, 1989-1990, and 1990-1991.³

On January 4, 2007, the Administrator, Agricultural Marketing Service, United States Department of Agriculture [hereinafter Complainant], filed a motion to lift the February 14, 2000, Stay Order on the ground that proceedings for judicial review have concluded.⁴ On February 5, 2007, Respondents filed a response in opposition to Complainant's Motion to Lift Stay Order.⁵ On February 20, 2007, Complainant filed a supplement to Complainant's Motion to Lift Stay Order in which Complainant states, on October 31, 2000, Lynette Saulsbury paid the Raisin Administrative Committee

²*In re Saulsbury Enterprises* (Stay Order), 59 Agric. Dec. 49 (2000).

³*Saulsbury Enterprises v. U.S. Dep't of Agric.*, No. CV-F-97-5136 REC (E.D. Cal. July 12, 2000), at 1-2, 11.

⁴Complainant's Motion to Lift Stay Order.

⁵Respondents' Opposition to Complainant's Motion to Lift Stay Order.

\$1,673.30 in accordance with the July 12, 2000, Order issued by the United States District Court for the Eastern District of California.⁶ On February 21, 2007, the Hearing Clerk transmitted the record to the Judicial Officer for a ruling on Complainant's Motion to Lift Stay Order.

Based on the foregoing, Complainant's Motion to Lift Stay Order is granted; the February 14, 2000, Stay Order is lifted; and the Order issued in *In re Saulsbury Enterprises* (Decision on Remand), 59 Agric. Dec. 28 (2000), as modified by the Order issued in *Saulsbury Enterprises v. U.S. Dep't of Agric.*, No. CV-F-97-5136 REC (E.D. Cal. July 12, 2000), is entered as the final order in this proceeding. As Lynette Saulsbury has paid the Raisin Administrative Committee in accordance with the July 12, 2000, Order of the United States District Court for the Eastern District of California, this proceeding is concluded.

Done at Washington, DC

February 21, 2007

William G. Jenson
Judicial Officer

⁶Complainant's Supplement to Motion to Lift Stay Order.