

**In re: PRODUCE DISTRIBUTORS, INC., AND IRENE T. RUSSO, d/b/a JAY BROKERS.
PACA Docket No. D-97-0013.
Order Denying Motion to Lift Stay as to Irene T. Russo, d/b/a Jay Brokers,
filed November 7, 2000.**

Kimberly D. Hart, for Complainant.
Irene T. Russo, Pro se.
Order issued by William G. Jenson, Judicial Officer.

On January 25, 1999, I issued a Decision and Order as to Irene T. Russo, d/b/a Jay Brokers, concluding that Irene T. Russo, d/b/a Jay Brokers [hereinafter Respondent], violated the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §§ 499a-499s) [hereinafter the PACA] and revoking Jay Brokers' PACA license. *In re Produce Distributors, Inc.* (Decision and Order as to Irene T. Russo, d/b/a Jay Brokers), 58 Agric. Dec. 506 (1999). On March 2, 1999, Respondent filed a petition for reconsideration of the January 25, 1999, Decision and Order as to Irene T. Russo, d/b/a Jay Brokers, and on March 23, 1999, I denied Respondent's petition for reconsideration. *In re Produce Distributors*, 58 Agric. Dec. 535 (1999) (Order Denying Petition for Reconsideration as to Irene T. Russo, d/b/a Jay Brokers).

On May 4, 1999, Respondent filed a request for a stay of the January 25, 1999, Order revoking Jay Brokers' PACA license, pending the outcome of proceedings for judicial review. On May 17, 1999, I granted Respondent's request for a stay. *In re Produce Distributors, Inc.*, 58 Agric. Dec. 542 (1999) (Stay Order as to Irene T. Russo, d/b/a Jay Brokers).

The United States Court of Appeals for the Second Circuit affirmed the January 25, 1999, Decision and Order as to Irene T. Russo, d/b/a Jay Brokers. *Russo v. United States Dep't of Agric.*, 199 F.3d 1323 (Table), 1999 WL 1024094 (2^d Cir. 1999). Respondent filed a petition for a writ of certiorari which the Supreme Court of the United States denied on October 10, 2000. *Russo v. Department of Agric.*, 121 S. Ct. 308 (2000).

On October 17, 2000, the Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture [hereinafter Complainant], filed a Motion to Lift Stay Order for Irene T. Russo d/b/a Jay Brokers [hereinafter Motion to Lift Stay]. On November 6, 2000, Respondent filed a response to Complainant's Motion to Lift Stay, and the Hearing Clerk transmitted the record of this proceeding to the Judicial Officer for a ruling on Complainant's Motion to Lift Stay.

Respondent states in her response to Complainant's Motion to Lift Stay that she has been granted an extension of time within which to file a petition for rehearing with the Supreme Court of the United States. Attached to Respondent's response to Complainant's Motion to Lift Stay is a copy of a letter from the Clerk of the

Supreme Court of the United States to Respondent which states that on November 1, 2000, Justice Ginsburg extended the time within which Respondent may file a petition for rehearing to and including December 4, 2000.

I find that proceedings for judicial review of the January 25, 1999, Decision and Order as to Irene T. Russo, d/b/a Jay Brokers, are not concluded. Therefore, Complainant's Motion to Lift Stay is denied.
