

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/HCO '
2021 NOV 10 10:19 AM'

In re:)
)
New York Mart Group, Inc.,) PACA Docket No. D-19-J-0155
)
Respondent.)
)

**ORDER GRANTING RESPONDENT’S SECOND MOTION TO EXTEND THE TIME
TO FILE AN APPEAL TO THE JUDICIAL OFFICER**

On November 5, 2021, Respondent, through counsel, filed Respondent’s Second Motion to Extend Time to File Its Appeal of the September 16, 2021, Decision and Order Granting Complainant’s Motion for Decision Without Hearing (“Respondent’s Second Motion to Extend”). The undersigned previously granted Respondent’s October 15, 2021, motion to extend the time to file an appeal and extended the filing deadline to November 5, 2021. Respondent’s Second Motion to Extend submits that due to a personal emergency involving Respondent’s counsel’s client contact, a second extension of the filing deadline is needed for counsel to review the appeal brief with the client. For good reason shown, Respondent’s Second Motion to Extend is GRANTED.

Respondent seeks to extend the deadline to file its appeal to November 25, 2021, which is a federal holiday in observance of Thanksgiving Day. Pursuant to the Rules of Practice (7 C.F.R. § 1.147(h)) when the time for filing expires on a federal holiday, “such period shall be extended to include the next following business day.” Therefore, the time for Respondent to file

its appeal is hereby ORDERED extended to **November 26, 2021 at 4:30 p.m. (Eastern)**.

Done at Washington, D.C.,
this 10th day of November 2021

**JOHN
WALK**

Digitally signed by
JOHN WALK
Date: 2021.11.10
10:10:04 -05'00'

John Walk
Judicial Officer

Hearing Clerk's Office
United States Department of Agriculture
South Building, Room 1031
1400 Independence Avenue, SW
Washington, DC 20250-9203
Tel.: 202-720-4443
Fax: 844-325-6940
SM.OHA.HearingClerks@USDA.GOV

CERTIFICATE OF SERVICE

New York Mart Group, Inc., Respondent
Docket 19-J-0155

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct, and this is to certify that a copy of the ORDER GRANTING RESPONDENT'S SECOND MOTION TO EXTEND THE TIME TO FILE AN APPEAL TO THE JUDICIAL OFFICER has been furnished and was served upon the following parties on November 10, 2021, by the following:

USDA (OGC) - Electronic Mail

Christopher Young, OGC
Christopher.Young-Morales@usda.gov
Joyce McFadden, OGC
Joyce.McFadden@usda.gov
Carla Wagner, OGC
Carla.Wagner@usda.gov

USDA (AMS) - Electronic Mail

PACA Investigations, AMS
PACAINvestigations@usda.gov

Counsel for Respondent – Electronic Mail

Jason R. Klinowski, Esq.
P. O. Box 43404
Birmingham, AL 35243
Jklinowski@aglawyer.com

Respectfully Submitted,

WANDA MOSBY Digitally signed by WANDA
MOSBY
Date: 2021.11.10 11:35:49 -05'00'

Wanda Mosby, Legal Assistant
USDA/Office of Administrative Law Judges
Hearing Clerk's Office, Rm. 1031-S
1400 Independence Ave., SW
Washington, DC 2 0250-9203
202-720-4443