

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	
)	
Nicholas Meat LLC; and)	P&S Docket No. 18-0061
Deborah Nicholas, an individual)	P&S Docket No. 18-0062
)	
Respondents.)	

ORDER DISMISSING COMPLAINT AS TO RESPONDENT DEBORAH NICHOLAS

Appearances:

Rupa Chilukuri, Esq., of the Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C., for the Complainant, the Deputy Administrator of the Agricultural Marketing Service; and

James C. Clark, Esq., and Caroline K. McGlynn, Esq., for Respondent, Nicholas Meat, LLC.

Not Appearing:

Respondent Deborah Nicholas, pro se.

This proceeding was instituted under the Packers & Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) via Complaint filed on July 17, 2018 by the Complainant, Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service (“AMS”), against Respondents Nicholas Meats, LLC, and Deborah Nicholas.

On November 30, 2018, I held a telephone conference with counsel for the Complainant AMS and counsel for Respondent Nicholas Meat, LLC (“Nicholas Meat”). Respondent Deborah Nicholas has not appeared and was not on the call. During the call, both parties agreed that it was appropriate for me to delay any further action until it was determined whether Ms. Deborah Nicholas will continue to be a respondent in these consolidated dockets.

On December 21, 2018, Complainant AMS filed a Motion to Dismiss Complaint As To Respondent Deborah Nicholas and Notification of Amended Complaint (“Motion to Dismiss”),

stating that counsel for Respondent Nicholas Meat “provided documentation, including tax returns, to counsel for Complainant, indicating that Deborah Nicholas transferred her membership interest in Nicholas Meat, LLC to Eugene Nicholas in 2013 and that during the times related to the alleged violations set forth in the complaint filed on July 17, 2018, Eugene Nicholas was the sole member of Respondent Nicholas Meat, LLC.”¹ Thus, based on the information provided by Respondent Nicholas Meats, Complainant AMS moved to dismiss the July 17, 2018 Complaint filed against Ms. Deborah Nicholas.

WHEREFORE, inasmuch as Complainant AMS now concedes that Ms. Deborah Nicholas is not a proper subject of a complaint in this case, the Complaint as to Respondent Deborah Nicholas in Docket No. 18-0062 is dismissed.

Copies of this Order shall be served upon the parties and Counsel by the Hearing Clerk with courtesy copies to be provided by email where email addresses are available.

Done this 31st day of January 2019, at Washington, D.C.



Channing D. Strother
Chief Administrative Law Judge

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¹ Complainant's Motion to Dismiss at 2.