

AGRICULTURE DECISIONS

Volume 72

Book Two

Part Four

List of Decisions Reported
(Alphabetical Listing)

Index
(Subject Matter)



THIS IS A COMPILATION OF DECISIONS ISSUED BY THE
SECRETARY OF AGRICULTURE AND THE COURTS
PERTAINING TO STATUTES ADMINISTERED BY THE
UNITED STATES DEPARTMENT OF AGRICULTURE

LIST OF DECISIONS REPORTED

JULY – DECEMBER 2013

(ALPHABETICALLY LISTED)

A & A ONTARIO MARKET, INC.	906
ACTION WILDLIFE FOUNDATION, INC.	666
ADAMS PRODUCE COMPANY, LLC	907
AL-HOUDA MEAT MARKET, INC.	826, 829
ALEJO GROCERS, INC.	907
ALEJO MARKETS, INC.	907
AMERICAN AIRLINES, INC.	795, 797, 908
AMERICAN MEAT INSTITUTE v. USDA	503
AUER, HEATHER	829
AULT, CARRIE	830
AULT, DANIEL	830
AYCO FARMS, INC. v. CLASSIC FRUIT COMPANY, INC. .	867, 899
BAKER WALNUT, INC.	794
BARTLES, CHRISTOPHER J.	824
BARTELS PACKING	824
BONACCURSO, JOSEPHINE E.	827
BONACCURSO, SAMUEL	827
CALLICUTT, JOHN	790
CANDY, ROBERT L.	754
CARNEY, SHERRY	705
CHIAPPARI, MICHAEL	796
CLASSIC FRUIT COMPANY, INC. v. AYCO FARMS, INC. .	867, 899
COLE, CHARLES DELBERT, II	829
CRITES, DEREK W.	827
CRITES, WAYNE H.	827
DAVIS v. USDA.	494
DAY, PAUL	819
DEL MONTE FARMS, LLC	908
DeMARCE, DAVID	705
DETERS, SCOTT	828
DROGOSCH, ERIC JOHN	794
F & F FARMS & CATTLE, INC.	829
FARINELLI, CELIVO “NICK”	828

FILLMORE, DANIEL T.	797
FINCH, GEORGE	850
FORTNER, TODD	829
FULTON, GARY	829
GEORGE, LARRY D.	796
GIBSON, GRANT	824
GIBSON, PAUL E.	826
GIDWELL, WELDON	830
GRABER, JOSEPH D.	687, 795
GRABER, RHODA	687, 795
GREENLY, CRYSTAL	603
GREENLY, LEE MARVIN	586, 603, 763, 764
GREENLY, SANDY	603, 764
HAWAII AIRLINES, INC.	795
HONEYCUTT, JOHN DENNIS	850
HOWELL, JOSEPH K.	826
HUFCUT, ANN	754
J & S PRODUCE CORP.	842
J.H. ROUTH PACKING COMPANY	828
JENNE, JUSTIN R.	790
JS PALLET COMPANY, INC.	797
KEATING, G. FREDERICK	763
KNAPP, BODIE S.	766
KONE, SOULEMAYNE N.	792, 824
KRIEGEL, INC.	790
KRIEGEL, LAURANCE	790
LAYLAND, NANCY L.	793
LEASE, THOMAS R.	795
LEMONS, RONALD L.	829
LIBORIO MARKETS, INC.	906
LIBORIO MARKETS # 7, INC.	907
LIBORIO MARKETS #8, INC.	907
LIBORIO MARKETS #9, INC.	906
LIBORIO MARKETS #10, INC.	906
LIBORIO MARKETS #11, INC.	906
LIGHTFOOT, JIMMY	796
LINCOLN PROVISION, INC.	729
LOMBARDO IMPORTS, INC.	907
LOWERY, RANDY	825

LUCK, GARY H.	829
MEAT CHIPS, LLC	797
MILES, JODY A.	796
MILES INSURANCE AGENCY	796
MILLS, BRANDI L.	796
MINNESOTA WILDLIFE CONNECTION, INC.	603, 764
MULLIS, DAVID	790
MULLIS, REBECCA	790
NEW ERA PRODUCE v. CIRCUS FRUITS WHOLESAL	878
ORANGE LIVESTOCK MARKET, INC.	826
ORANGES, GRAPEFRUITS, TANGERINES, AND TANGELOS (CITRUS) GROWN IN FLORIDA	754
PAISANO MEATS, INC.	789, 792
PANOLA LIVESTOCK ENTERPRISE, INC.	824
PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, INC. v. USDA	568
PEREZ, JOSEZ CRUZ LOPEZ	789, 792
PERRY, CRAIG. A.	635, 762
PERRY'S WILDERNESS RANCH & ZOO	635, 762
PLAFCAN, NICHOLAUS	794
QUALITY PRODUCE SUPPLIERS, INC.	906
R & R TRADE INTERNATIONAL, INC.	797
RANDALL, BRENDA	790
RDM INTERNATIONAL, INC.	837
RIGGS, JAMES LEE	795
RIVERSIDE CATTLE CO., LLC	826, 828
RONALD L. LEMONS LIVESTOCK, LLC	829
ROQUE, JUSTO E., JR.	789
ROWAN, TIM	824
SCHREINER, CHARLES	795
SCHREINER, CHRISTIE	795
SCHREINER, GUS	795
SCHREINER, WALTER	795
SCRUM, PATSY L.	905
SHERMAN, BEVERLY T.	797
SHERMAN, PATRICIA KELLY	796
SLAUGHTER, EDDIE	789
SMITH, JERRY O.	827
SMITH, LE ANNE	635, 762

SNELL, DAVID	830
STARKS, DAVID	828
STOKES, JERRY	828
SUN PACIFIC MARKETING COOPERATIVE, INC. v. DIMARE FRSEH, INC.	831
T & R PRODUCE WHOLESALE & TRUCKING, INC.	908
TAGM, LLC	824
TAYLOR, JUSTIN	796
TINA STOCKYARDS, LLC	829
TRI-STATE ZOOLOGICAL PARK OF WESTERN MARYLAND .	754
TRIPLE A GROCERS, INC.	907
TURNER, JUSTIN	829
TUTTLE, GARY WAYNE	828
URADZIONEK, STANLEY	796
VANISHING SPECIES WILDLIFE, INC.	674
WALLACH, LAWRENCE C.	795
WAYNE F. CRAIG & SONS, INC.	828
WEST COAST COMMODITIES, LLC	798
WISE, EDDIE	789
WITT, BRIAN J.	828
WOUDENBERG, JAMES G.	723
YOUNG, RANDY T.	796
YOUNG, WILLIAM O.	797

SUBJECT-MATTER INDEX

JULY – DECEMBER 2013

ADMINISTRATIVE PROCEDURE

<i>Chevron</i> deference	503, 518-19, 527-28, 539
Consent decisions and stipulations	603, 620-21, 650, 682
Double jeopardy	586, 591-93, 602
Final rule	503, 507-08, 518, 541
Judicial review	496, 577, 579, 595, 672-73, 763-65
Recusal	730, 747-50
Petition for reconsideration	754-58, 766, 768
Standing	510, 568-69, 573-76
Statute of limitations	593, 594, 595, 596
Stay order	761, 763, 764-65, 788
Summary judgment	494, 677, 690-93, 707
<i>Miscellaneous Order</i>	754

ADMINISTRATIVE WAGE GARNISHMENT

AWG	494-502
Financial hardship	494, 499, 502
Foreclosure	495-96, 498, 500, 501, 579
Guarantee agreement	494, 495, 496-98, 500-01
Reimbursement	494, 497, 500

AGRICULTURAL MARKETING AGREEMENT ACT

AMAA	503-67
Commingling	528-33
Country-of-origin labeling	503-05, 522, 524, 530, 532, 545
Legislative history	504 -06
<i>Default Decision</i>	794
<i>Miscellaneous Order</i>	754

ANIMAL HEALTH PROTECTION ACT

<i>Consent Decision</i>	795
-----------------------------------	-----

ANIMAL WELFARE ACT

AWA 568-753
Access for inspection 603, 616-18, 641-42, 655, 663, 678, 683
Animal, definition of 568, 569-70, 582, 584, 766, 783
Regulations, vagueness of 758-59
Civil penalty 625-27, 635-37, 648-53, 666, 668, 670, 672, 678,
701, 761
Handling 603, 607, 608-09, 619, 637, 644, 649
Inspection 607, 635, 637, 641-44, 678, 695, 710, 712, 740
Interference with APHIS officials 635, 639
License, denial of 705, 708, 717-18
License, revocation of 586, 603, 607, 620, 621-22, 624-25, 637,
652, 671-72, 682-83, 723, 761
License, suspension of 607, 637, 666, 671-72, 682, 760, 761,
Records 567, 589, 604, 607, 615, 616, 617, 635, 637,
640, 642, 683, 698, 708, 710, 71, 712, 713, 717, 735
Regulations, vagueness of 603, 618-19, 754, 758-59
Sanction policy 603, 625-26, 627, 635, 651, 652, 666, 669-70,
680-81, 700
Statute of limitations 586, 593-95
Veterinary care 570, 603, 604, 607, 611-12, 649, 679-80, 682, 695,
696-97, 699, 700, 759
Violations, correction of 603, 623, 682, 698, 759, 760
Willful 603,604, 605, 606, 608, 611, 623, 635, 644, 754,
756, 757, 766, 779-80
Consent Decisions 795
Default Decision 794
Miscellaneous Orders 754-89

CIVIL RIGHTS

Miscellaneous Orders 789

FEDERAL CROP INSURANCE ACT

Consent Decision 796

FEDERAL MEAT INSPECTION ACT

Miscellaneous Orders 789

FEDERAL TORT CLAIMS ACT	
<i>Miscellaneous Order</i>	789
FOOD AND NUTRITION ACT	
<i>Miscellaneous Order</i>	789-90
HORSE PROTECTION ACT	
<i>Consent Decisions</i>	796-97
<i>Default Decision</i>	794
<i>Miscellaneous Orders</i>	790
JENCKS ACT	
Jencks Act	728, 744-47
ORGANIC FOODS PRODUCTION ACT	
Discrimination	791-92
<i>Consent Decision</i>	797
<i>Miscellaneous Orders</i>	790
PACKERS AND STOCKYARDS ACT	
P&S	798-830
Dealer	800-01
Dealer, failure to register as	809-10
Failure to pay promptly	811
Recordkeeping	813-14
Sanctions	814
<i>Consent Decisions</i>	828-30
<i>Default Decisions</i>	826-27
<i>Miscellaneous Orders</i>	824-25
PLANT PROTECTION ACT	
<i>Consent Decisions</i>	797
<i>Miscellaneous Order</i>	792

PERSIHABLE AGRICULTURAL COMMODITIES ACT

PACA 831-908
Appeal bond 831, 833
Contract, breach of 878, 885, 888
Failure to pay promptly 839, 843-46
Letter of credit 831, 835-36
Prejudgment interest 867, 876, 899, 903-04
Price after sale 874-77
Procedure 867-68
Rejection of goods 892-94
Reparations 831, 867-904
Responsibly connected 852-58, 859
Shipping condition 887
Statutory background 851-58
Willful 846-47
Consent Decisions 908
Default Decisions 906-07
Miscellaneous Order 905

POULTRY PRODUCTS INSPECTION ACT

Consent Decision 797
Miscellaneous Orders 792

SALARY OFFSET ACT

Miscellaneous Order 793