UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 15-0180

In re:

OXCART INDUSTRY SERVICES, INC., doing business as LISA'S CRITTERS FOR SENIORS, et al,

Petitioner,

ORDER DENYING MOTION FOR SUMMARY DECISION AND RESETTING DEADLINES FOR SUBMISSIONS

On December 7, 2015, Petitioner moved for entry of a Summary Decision pursuant to 7 C.F.R. § 1.136(c). On December 31, 2015, Respondent USDA filed opposition to the motion.

Petitioner's motion is DENIED. I adopt the arguments of Respondent USDA, and find no grounds to enter a summary decision pursuant to default or by reason of admissions.

By Order issued November 6, 2015, I set deadlines for the exchange of evidence between the parties and the filing of lists with the Office of the Hearing Clerk. Petitioner's motion mooted those deadlines, which I hereby reschedule as follows:

By not later than **4:30 p.m. E.S.T., on February 12, 2016**, Petitioner shall file with the Hearing Clerk a list of exhibits and witnesses that Petitioner expects to rely upon to establish its case. The witness list should include a short statement describing the nature of the witness' anticipated testimony. Petitioner shall also deposit for next day business day delivery to Respondent's counsel, by commercial carrier such as Fed EX, UPS, or other comparable service, copies of the exhibits and lists.

By not later than **4:30 p.m. E.S.T., on April 22, 2016**, Respondent's counsel shall file with the Hearing Clerk a list of exhibits and witnesses that Respondent expects to rely upon on defense. The witness list should include a short statement describing the nature of the witness'

anticipated testimony. Respondent's counsel shall also deposit for next day business day delivery to Petitioner, by commercial carrier such as Fed EX, UPS, or other comparable service, copies of Respondent's exhibits and the lists filed with the Hearing Clerk.

Copies of this Order shall be sent to the parties by the Hearing Clerk.

So ORDERED this 8th day of January, 2016, in Washington, D.C.

[redacted]

Janice K. Bullard
Administrative Law Judge