

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

FCIA Docket No. 09-0121

In re: CRYSTAL PORTER REESLY,
formerly CRYSTAL PORTER,

Respondent

ORDER

This action was previously consolidated with an action brought against the Respondent's mother Mildred Porter.¹ Prior to the hearing in what would have been a consolidated hearing of the two cases, the Respondent indicated that she no longer wished to pursue a defense of the action and the related case proceeded to trial without participation by the Respondent. Time was extended to the parties to enter into a Consent Decision; however, the parties could not agree upon the terms of a Consent Decision. A Consent Decision was tendered to the Respondent; however, she made a handwritten addition to that document which was inconsistent with the typed portion of the Decision and her addition was unacceptable to the Complainant.

Sufficient time having elapsed and after more than one reminder that some resolution was needed, I entered a Decision and Order in this action on February 18, 2010 in which I deemed the Respondent's failure to defend the action as an admission of the facts alleged in the Complaint and a waiver of her right to a hearing on the merits. Although the Complainant filed a Motion for Default on February 12, 2010, that Motion

¹ *In re: Mildred Porter*, FCIA Docket No. 09-0120 (February 4, 2010).

was served on opposing counsel and was not presented to me for appropriate action. Subsequently, Counsel for the Respondent has filed an Objection to Motion for Summary Judgment.

As I consider both the Motion for Default and the Objection to Motion for Summary Judgment to have been rendered moot by the Decision and Order of February 18, 2010, no action is required at this time. Any appeal of the Decision should be directed to the Judicial Officer.

Copies of this Order will be served upon the parties by the Hearing Clerk.

Done at Washington, D.C.
February 25, 2010

PETER M. DAVENPORT
Acting Chief Administrative Law Judge

Copies to: Mark Simpson, Esquire
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