

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**BEFORE THE SECRETARY OF AGRICULTURE**

PACA DOCKET NO. D-04-0023

In re: SUPERIOR PRODUCE EXCHANGE, LLC.

Respondent

**ORDER**

A Status Conference was held in this matter on February 17, 2006. Appearing telephonically was Charles L. Kendall, Esquire, Office of the General Counsel, United States Department of Agriculture, Washington, D.C., representing the Petitioner. The Petitioner has filed a document titled Status which indicates that Towab Nassery, the Respondent's registered agent, was served with a copy of the Complaint in this case on March 28, 2005 by Federal Express delivery in the responsibly connected proceeding initiated against Mr. Nassery. (File No. PACA N-A-2003-0073)

Although the Complaint was included as an attachment in the related proceeding, service of process in a related action is not sufficient to constitute service in this action and in any event does not constitute compliance with my prior Orders in this action dated March 31, 2005, April 27, 2005 and most recently May 11, 2005.

The Complainant is given 30 days in which to comply with the prior Orders or show cause why this action should not be dismissed.

Copies of this Order shall be served upon the Parties by the Hearing Clerk's Office.

Done at Washington, D.C.  
February 17, 2006

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**PETER M. DAVENPORT**  
Administrative Law Judge

Copies to: Charles L. Kendall, Esquire

Hearing Clerk's Office  
U.S. Department of Agriculture  
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