

BEFORE THE SECRETARY OF AGRICULTURE

In re:) FMIA Docket No. 04-0001
) PPIA Docket No. 04-0001
Platinum Foods of Florida, Inc.,)
and Joseph Canossa, Sr.,)
) ORDER TO TERMINATE
Respondents) STIPULATION and CONSENT ORDER
)

ORDER

This is a proceeding under the Federal Meat Inspection Act, as amended (21 U.S.C. §§ 601 et seq.) ("FMIA"), the Poultry Product Inspection Act, as amended (21 U.S.C. §§ 451 et seq.) ("PPIA"), and the applicable Rules of Practice (7 C.F.R. §§ 1.130 et seq. and 9 C.F.R. §§ 500 et seq.) to withdraw Federal Inspection services from respondent Platinum Foods of Florida, Inc. This proceeding was commenced by a complaint filed on October 29, 2003, by the Administrator of the Food Safety and Inspection Service (FSIS), United States Department of Agriculture (USDA), which is responsible for the administration of Federal meat inspection and poultry product inspection services. On January 16, 2004, the parties agreed that this proceeding should be terminated by entry of the Stipulation and Consent Order which was filed and effective on that same date. Upon consideration of the joint motion filed by respondent Platinum Foods of Florida, Inc. ("Platinum Foods"), and Complainant to terminate the agreed Stipulation and Consent Order with respect to respondent Platinum Foods, it is hereby

ORDERED that, except for the terms and provisions set forth below, all the terms and provisions affecting respondent Platinum Foods that were set forth in the Stipulation

and Consent Order in this matter shall be terminated on the date this Order is signed by the Administrative Law Judge.

1. **Respondent Platinum Foods admits all the jurisdictional allegations of the Complaint filed in this matter on October 29, 2003, and waives:**
 - (a) Any further procedural steps:
 - (b) Any requirement that the final decision and order in this proceeding contain any findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof; and
 - (c) All rights to seek judicial review or to otherwise challenge or contest the validity of this order and this proceeding.
2. Respondent Platinum Foods waives any action against the USDA under the Equal Access to Justice Act of 1980, as amended (5 U.S.C. §§ 504 **et seq.**) for fees and other expenses incurred by respondents in connection with this proceeding.
3. Respondent Platinum Foods and its owners, officers, directors, partners, successors, assigns, and affiliates waive, in addition to the action waived in paragraph 2 above, any other action against USDA or its employees in connection with any actions taken by them in reference to this proceeding.

Signed this _31 day of May, 2005

at Washington, D.C.

Marc R. Hillson

ADMINISTRATIVE LAW JUDGE