

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 03-0034
)
MARTINE COLETTE, an individual;)
WILDLIFE WAYSTATION, a California)
corporation; and ROBERT H. LORSCH, an)
individual,)
Respondents)

Order Striking Motion for Order Dismissing Action

On April 22, 2008, the Office of the Hearing Clerk received a Motion, dated April 7, 2008, asking that I dismiss the above-captioned action against Respondent Lorsch. A Response to the Motion, asking that I either strike or deny it, was filed on April 24, 2008. I grant the Motion to Strike.

This case has already involved 19 days of hearings, and extensive briefing by the parties. Respondent Lorsch filed a 168 page brief which included a number of pages on the “one-satisfaction rule,” the very issue that he is raising on this Motion to Dismiss. The time for briefing in this case is over, and I am presently engaged in writing the decision. Raising the very issues already raised in his lengthy brief, but couching it as a Motion to Dismiss, does not change the basic fact that this is a legal argument that has already been raised, and that Lorsch’s Motion appears to me to be simply an ill-disguised attempt to supplement an already extensive brief well after the time for his brief has passed.

Accordingly, I grant the Motion of Complainant to Strike.

MARC R. HILLSON
Chief Administrative Law Judge

April 28, 2008