

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	
The Miles Smith Family Corp.)	PACA Docket No. D-03-0005
d/b/a Cal Fresh Produce,)	
)	
Respondent)	Order Dismissing Case

The Complaint was filed on October 30, 2002, under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a *et seq.*) (herein frequently, “the PACA” or “the Act”). The Complainant, the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture (herein frequently, “AMS” or “Complainant”), is represented both here and in the two responsibly connected cases,¹ by Christopher P. Young-Morales, Esq. (and was previously represented by Andrew Y. Stanton, Esq.), with the Trade Practices Division, Office of the General Counsel, United States Department of Agriculture, 1400 Independence Ave. SW, Washington, D.C. 20250-1413.

AMS’s Motion for Withdrawal of Disciplinary Complaint, filed October 27, 2008, is before me. I conclude that the Complaint never was served as required by 7 C.F.R. § 1.147(c) upon the Respondent The Miles Smith Family Corp., d/b/a Cal Fresh Produce, and that

¹ The two responsibly connected cases are PACA-APP Docket No. 03-0019, regarding Brian O’D. White, also known as Brian O White; and PACA-APP Docket No. 04-0002, regarding Mark R. Laramie. Petitioners in both cases are represented by Luis A. Toro, Esq.

AMS's Motion for Withdrawal should be and hereby is GRANTED. Accordingly, this case is **DISMISSED**.

Copies of this Order Dismissing Case shall be served by the Hearing Clerk upon each of the parties, **and Respondent shall be served** (by regular mail), **at all three addresses**:

Cal Fresh Produce
2705 5th Street, Ste 5
Sacramento, California 95818

and

The Miles Smith Family Corp., d/b/a Cal Fresh Produce
385 Inverness Drive **South, Suite 380**
Englewood, Colorado 80112

and

The Miles Smith Family Corp., d/b/a Cal Fresh Produce
c/o CrossPoint Foods Corporation
1050 17th Street, Suite 195
Denver, Colorado 80265

The dismissal of this case, PACA Docket No. D-03-0005, In re: The Miles Smith Family Corp., d/b/a Cal Fresh Produce, Respondent, impacts the two responsibly connected cases, PACA APP 03-0019 White, and PACA APP 04-0002 Laramie, so the Hearing Clerk is requested also to send a courtesy copy (by regular mail) to counsel for Mssrs. White and Laramie.

Luis A. Toro, Esq.
1801 California St 4300
Denver Colorado 80202-2604

Done at Washington, D.C.
this 28th day of October 2008

Jill S. Clifton
Administrative Law Judge

Hearing Clerk's Office
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South Bldg Room 1031
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