

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

James Dale McConnell, also known as Jimmy McConnell,
an individual (HPA Docket No. **13-0367** & HPA Docket No. **13-0373**);

and

Formac Stables, Inc., a Tennessee corporation (HPA Docket No. **14-0200**),

Respondents.

Dismissal With Prejudice

Appearances:

Thomas N. Bolick, Esq., with the Office of the General Counsel, United States Department of Agriculture, 1400 Independence Ave SW, Washington, DC 20250, for the Complainant (APHIS); and

Karin Cagle, Esq., Fort Worth, TX 76104, for the Respondents James Dale McConnell, also known as Jimmy McConnell; and Formac Stables, Inc.

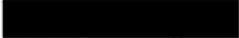
During a Dial-In Telephone Conference on February 9, 2021, and by email dated February 8, 2021, APHIS through counsel stated that APHIS Animal Care decided to drop allegations regarding Up for Parole on August 27, 2011; and to drop allegations regarding Dark and Shady on August 27, 2011.

Accordingly, I order Docket Nos. **13-0367** and **13-0373** and **14-0200** , with the captions shown above, DISMISSED WITH PREJUDICE.

This order is accompanied by the two Amended Complaints and associated documents filed years ago, so that parties and counsel who may not have that paperwork at hand can see that nothing remains.

Copies of this order "Dismissal With Prejudice" shall be sent by the Hearing Clerk, together with copies of the accompanying documents, to each of the parties.

Issued this 19th day of February 2021 at Washington, D.C.


Jill S. Clifton Digitally signed by JILL
CLIFTON
Date: 2021.02.19 17:40:08
-05'00'

Jill S. Clifton
Administrative Law Judge

Hearing Clerk's Office
U.S. Department of Agriculture
Stop 9203 South Building Room 1031
1400 Independence Ave SW
Washington DC 20250-9203
1-844-325-6940 FAX
1-202-720-4443 phone
sm.oha.HearingClerks@usda.gov

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:

Jimmy McConnell and)	Docket No. 13-0367
Formac Stables, Inc.,)	
)	Notice of Filing of
Respondents.)	Amended Complaint

Complainant, the Administrator of the Animal and Plant Health Inspection Service, hereby gives notice of the filing of an amended complaint in the above-captioned matter, in the form attached hereto. This amendment is based on section 1.137(a) of the Rules of Practice (7 C.F.R. § 1.137(a)), applicable to proceedings under the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.), and on all of the pleadings and papers filed herein.

The amended complaint serves to remove the Zach Wilson living at the address named in the Complaint, as it has been shown to be a person of the same name, but wrong identity. Also, Formac Stables, Inc. has been added as a separate entity, as it is an incorporated business. As Jimmy McConnell is the registered agent of this closely held corporation, at the same address to which he received the original complaint, it is reasonable to believe that Formac Stables, Inc. is aware of the allegations in this case and will not be overly burdened. Also, failure to accept the amended complaint will likely result in a separate complaint being filed against Formac Stables, Inc., which would then carry the possibility of having a separate hearing based on the same incident. The complainant believes that would be an inefficient use of resources.

As the matter has already been scheduled to proceed to hearing beginning on February 23, 2015, the Complainant moves for this amendment for good cause shown.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Brian T. Hill.

Brian T. Hill
Attorney for Complainant

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Jimmy McConnell and)	Docket No. 13-0367
Formac Stables, Inc.,)	
)	
Respondents.)	Amended Complaint

There is reason to believe that the respondents named herein have violated the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.), herein referred to as the Act. Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

1. Respondent Jimmy McConnell is an individual whose mailing address is (b) (6)
(b) (6)
2. Respondent Formac Stables, Inc., is a corporation whose registered agent for service is Jimmy McConnell, with a mailing address of (b) (6)
3. On or about August 27, 2011 respondents Jimmy McConnell and Formac Stables, Inc. showed or exhibited the horse known as "Up for Parole," entry number 1501, class number 80A, at the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN.
4. On or about August 27, 2011, respondents Jimmy McConnell and Formac Stables Inc. entered for the purpose of showing or exhibiting the horse known as "Up for Parole," entry number 1501, class number 80A, at the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN.

II

1. On or about August 27, 2011 respondents Jimmy McConnell and Formac Stables, Inc. showed or exhibited the horse known as "Up for Parole," entry number 1501, class number 80A, at the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN, in violation of section 5(2)(A) of the Act (15 U.S.C. § 1824(2)(A)), while the horse was sore (9 C.F.R. § 11.3(b)).

2. On or about August 27, 2011, respondents Jimmy McConnell and Formac Stables, Inc. entered for the purpose of showing or exhibiting the horse known as "Up for Parole," entry number 1501 in class number 80A , at the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN, in violation of sections 5(2)(B) of the Act (15 U.S.C. § 1824(2) (B)), while the horse was sore (9 C.F.R. § 11.3(b)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact violated the Act, this complaint shall be served upon the respondents. The respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

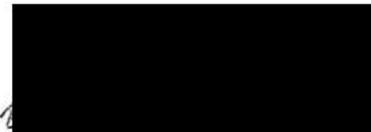
1. That unless the respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances including an order:

(a) Assessing civil penalties against the respondents in accordance with section 6(b) of the Act (15 U.S.C. §1825(b)); and

(b) Disqualifying each respondent for a specified period as provided in section 6(c) of the Act (15 U.S.C. §1825(c)) from (1) showing, exhibiting or entering any horse, or otherwise participating in any horse show or exhibition, and (2) judging or managing any horse show, horse exhibition, horse sale or auction. "Participating" means engaging in any activity beyond that of a spectator, and includes, without limitation, transporting or arranging for the transportation of horses to or from equine events, personally giving instructions to exhibitors, being present in the warm-up or inspection areas, or in any area where spectators are not allowed, and financing the participation of others in equine events.

Respectfully submitted,

A large black rectangular redaction box covers the signature area.

Brian T. Hill
Attorney for Complainant

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



13-0374, 13-0375
and 14-0200

In re:

Jimmy McConnell,)
Formac Stables, Inc., and)
Molly Walters)
Respondents.) Docket No. 13-0373
Amended Complaint

There is reason to believe that the respondents named herein have violated the Horse Protection Act, as amended (15 U.S.C. §1821 et seq.), herein referred to as the Act. Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

1. Respondent Jimmy McConnell is an individual whose mailing address is (b) (6)

(b) (6)

2. Respondent Formac Stables, Inc., is a corporation whose registered agent for service is Jimmy McConnell, with a mailing address of (b) (6)

3. Respondent Molly Walters is an individual whose mailing address is (b) (6)

(b) (6) At all times mentioned herein said respondent was the owner of the horse known as "Dark and Shady."

4. On or about August 27, 2011, respondents Jimmy McConnell and Formac Stables, Inc.

entered for the purpose of showing or exhibiting the horse known as "Dark and Shady," entry number 1484, class number 80B, at the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN.

5. On or about August 27, 2011, respondent Molly Walters entered and allowed the entry of, for the purpose of showing or exhibiting, the horse known as "Dark and Shady," entry number 1484, class number 80B, at the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN.

II

1. On or about August 27, 2011, respondents Jimmy McConnell and Formac Stables, Inc. entered for the purpose of showing or exhibiting the horse known as "Dark and Shady," entry number 1484, class number 80B, in the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN, in violation of section 5(2) (B) of the Act (15 U.S.C. § 1824(2) (B)), while the horse was sore.

2. On or about August 27, 2011, respondent Molly Walters entered and allowed the entry of, for the purpose of showing or exhibiting, the horse known as "Dark and Shady," as entry number 1484, class number 80B, in the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN in violation of sections 5(2)(B) and (D) of the Act (15 U.S.C. §§ 1824(2)(B), (D)), while the horse was sore.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact violated the Act, this complaint shall be served upon the respondents. The respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) [HPA]
) Docket No. 13-0367
Jimmy McConnell)
) **Acceptance of Amended Complaints**
Respondent)

AND

In re:) [HPA]
) Docket No. 13-0373
Jimmy McConnell,)
) **Acceptance of Amended Complaints**
Respondent)

AND

In re:) [HPA]
) Docket No. 13-0375
Molly Walters)
) **Acceptance of Amended Complaints**
Respondent)

AND

In re:) [HPA]
) Docket No. 14-0200
Formac Stables, Inc.)
) **Acceptance of Amended Complaints**
Respondent)

Appearances:

Brian T. Hill, Esq., with the Office of the General Counsel, United States Department of

Agriculture, Washington D.C., for the Complainant (APHIS)¹; and

Donald S. Gandy, Esq., Fort Worth, TX, for the individuals Jimmy McConnell and Molly Walters.

[There is not yet an entry of appearance on behalf of the corporate entity.]

1. APHIS filed Amended Complaints on September 18, 2014, to which no objection has been filed. Consequently, I accept the Amended Complaints and grant the Respondents time, through **November 26 (Wednesday) 2014**, to file answer(s) to the Amended Complaints.
2. The Amended Complaints do not include the Zach Wilson associated with the address identified in the Complaint (*see* paragraph 2 of the Complaint). Consequently, by a separate document, I shall dismiss Docket No. **13-0374** against the Zach Wilson associated with the address identified in the Complaint.
3. These cases concern 2 horses at the Celebration on or about August 27, 2011: "Up for Parole" [13-0367 and 14-0200]; and "Dark and Shady" [13-0373, 13-0375, and 14-0200].
4. Counsel are encouraged to guide the parties to settlement. For examples of ALJ decisions, including Consent Decisions, the parties may want to look at the USDA/OALJ website. The cases brought under the Horse Protection Act generally show "HPA".

<http://www.dm.usda.gov/oaljdecisions/>

The Judicial Officer's decisions [scroll down to the Horse Protection Act cases; these cases are organized by the statute alphabetically] are found at

<http://nationalaglawcenter.org/decisions/>

5. **The parties shall deliver any filings directly to the Hearing Clerk.** The Hearing Clerk's contact information is at the bottom of the last page, including not only address, but also FAX number. Filings should ordinarily be submitted in quadruplicate and must *arrive* in the Hearing Clerk's office earlier than 4:30 pm Eastern to be stamped "Received" on the arrival date. Please use a next-business-day delivery service through a commercial carrier such as FedEx or UPS to ensure timely filing. [Mail through the U.S. Postal Service is

1. The Complainant is the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture ("APHIS" or "Complainant").

diverted for irradiation and will be delayed.]

For short filings (a few pages), you may instead utilize the Hearing Clerk's FAX number. Or, e-mail to OALJHearingClerks@ocio.usda.gov if that proves convenient. When FAXing or emailing to the Hearing Clerk, submit once [NOT in quadruplicate].

Copies of this Acceptance of Amended Complaints shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.
this 24th day of October 2014



Jill S. Clifton
Administrative Law Judge

Hearing Clerk's Office
U.S. Department of Agriculture
South Building Room 1031
1400 Independence Ave SW
Washington DC 20250-9203
202-720-4443
Fax: 202-720-9776

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In Re:) HPA Docket No.
Jimmy McConnell, d/b/a) 13-0367
Formac Stables,)
Zach Wilson and)
Robert Jones)
Respondents) Answer of JIMMY MCCONNELL

**ANSWER AND AFFIRMATIVE DEFENSES
OF RESPONDENT JIMMY MCCONNELL
AND DEMAND FOR TRIAL ON THE MERITS**

COMES NOW Respondent, Jimmy McConnell, and files this his Answer and Affirmative Defenses to the Complaint and Demand for Trial on the Merits in response to the Complaint filed herein against him by the United States Department of Agriculture and responds to each allegation of the Complaint, paragraph by paragraph, as follows:

1. The allegations contained in the first sentence of the first unnumbered paragraph of the Complaint beginning with "There is reason to believe" are expressly denied. The second sentence of the first unnumbered paragraph contains no allegation of fact, therefore, no response is necessary. However, should said allegations be construed adversely against this Respondent, then same are denied.
2. The allegations contained in paragraph I.1. as to the mailing address of Formac Stables are admitted. The remaining allegations of paragraph I.1. are denied.

3. This Respondent does not possess information to either admit or deny the allegations contained in paragraph I.2., and therefore, same are denied.
4. This Respondent does not possess information to either admit or deny the allegations contained in paragraph I.3., and therefore, same are denied.
5. In response to paragraph I.4., on information and belief this Respondent admits the horse known as "Up for Parole" was shown by this Respondent at the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN, on or about August 27, 2011. This Respondent does not possess information to either admit or deny the allegations concerning the entry number nor the class number, and therefore, same are denied.
6. In response to paragraph I.5., on information and belief this Respondent admits the horse known as "Up for Parole" was entered at the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN, on or about August 27, 2011. This Respondent does not possess information to either admit or deny the allegations concerning the entry number nor the class number, and therefore, same are denied. The remaining allegations contained in paragraph I.5., are denied.
7. This Respondent does not possess sufficient information to either admit or deny the allegations contained in paragraph I.6, and therefore, same are denied.
8. In response to paragraph II.1., this Respondent admits he showed the horse known as "Up for Parole" at the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN, on or about August 27, 2011. This Respondent

does not possess information to either admit or deny the allegations concerning the entry number nor the class number, and therefore, same are denied. The remaining allegations contained in paragraph II.1. are expressly denied.

9. In response to paragraph II.2., this Respondent admits the horse known as "Up for Parole" was entered at the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN, on or about August 27, 2011. This Respondent does not possess information to either admit or deny the allegations concerning the entry number nor the class number, and therefore, same are denied. The remaining allegations contained in paragraph II.1. are expressly denied.
10. This Respondent does not possess sufficient information to either admit or deny the allegations contained in paragraph II.3., and therefore, same are denied.
11. The unnumbered paragraph beginning "WHEREFORE" does not contain allegations of fact requiring an answer of this Respondent. However, should said allegations be construed adversely against this Respondent, then same are denied.
12. Numbered paragraph 1. does not contain allegations of fact requiring an answer of this Respondent. However, should said allegations be construed adversely against this Respondent, then same are denied.
13. Numbered paragraph 2., including subparagraphs (a) and (b), does not contain allegations of fact requiring an answer of this Respondent. However

should said allegations be construed adversely against this Respondent, then same are denied. Further, Respondent specifically denies the Complainant is entitled to any relief whatsoever against this Respondent.

FIRST AFFIRMATIVE DEFENSE

Section 5(2)(A) and 5(2)(B) of the Act (15 U.S.C. § 1824(2)(A)-(B)) and 9 C.F.R. §11.3 are, as drafted, so outdated and vague as to render them unenforceable as failing to place those regulated under them on notice of the standard to be applied.

SECOND AFFIRMATIVE DEFENSE

Section 5(2)(A) and 5(2)(B) of the Act (15 U.S.C. § 1824(2)(A)-(B)) and 9 C.F.R. §11.3 are, as interpreted and applied by the United States Department of Agriculture, so inconsistent as to render them unenforceable as failing to place those regulated under them on notice of the standard to be applied.

THIRD AFFIRMATIVE DEFENSE

The United States Department of Agriculture inspector(s) in the instant case failed to perform a proper inspection.

FOURTH AFFIRMATIVE DEFENSE

The United State Department of Agriculture inspector(s) in the instant case improperly targeted this Respondent.

FIFTH AFFIRMATIVE DEFENSE

The United States Department of Agriculture inspector(s) in this case lacked adequate training and experience in order to render their opinion in the instant case.

SIXTH AFFIRMATIVE DEFENSE

Jimmy McConnell does not operate "doing business as" Formac Stables as alleged in the Complaint. Formac Stables, Inc., is a separate legal entity incorporated under the laws of the State of Tennessee.

WHEREFORE, PREMISES CONSIDERED, Respondent Jimmy McConnell prays the Complaint filed herein against him be dismissed as unfounded and that he be discharged with this his costs. Alternatively, Respondent Jimmy McConnell hereby demands a Trial on the Merits.

A TRIAL ON THE MERITS IS HEREBY DEMANDED

Respectfully submitted, this the 8th of November, 2013.

By: [REDACTED] w/ permission by HV
Donald S. Gandy, On Behalf of Respondent Jimmy McConnell

Donald S. Gandy, Esq.
1300 South University Drive
Suite 500
Fort Worth, Texas 76107
817-332-9300
Fax: 817-332-9301

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a copy of the foregoing document to counsel for the Complainant:

BRIAN T. HILL
Attorney for the Complainant
Office of the General Counsel
United States Department of Agriculture
Washington, D.C. 20250-1400

This the 8th day of November, 2013.

[REDACTED] w/ permission by HV
Donald S. Gandy

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In Re:) HPA Docket No.
Jimmy McConnell and) 13-0367
Formac Stables, Inc.)
)
)
)
Respondents)

**ANSWER AND AFFIRMATIVE DEFENSES
OF RESPONDENTS JIMMY MCCONNELL
AND FORMAC STABLES, INC., TO AMENDED COMPLAINT
AND DEMAND FOR TRIAL ON THE MERITS**

COME NOW Respondents Jimmy McConnell and Formac Stables, Inc., and files this their Answer and Affirmative Defenses to the Amended Complaint and Demand for Trial on the Merits in response to the Amended Complaint filed herein against them by the United States Department of Agriculture and responds to each allegation of the Complaint, paragraph by paragraph, as follows:

1. The allegations contained in the first sentence of the first unnumbered paragraph of the Complaint beginning with "There is reason to believe" are expressly denied. The second sentence of the first unnumbered paragraph contains no allegation of fact, therefore, no response is necessary. However, should said allegations be construed adversely against these Respondents, then same are denied.
2. The allegations contained in paragraph I.1. as to the mailing address of Jimmy McConnell are admitted.

3. The allegations contained in paragraph I.2. as to the registered agent and mailing address of Formac Stables, Inc., are admitted.
4. In response to paragraph I.3., on information and belief Respondents admit the horse known as "Up for Parole" was shown by Respondent McConnell at the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN, on or about August 27, 2011. Respondents do not possess information to either admit or deny the allegations concerning the entry number nor the class number, and therefore, same are denied. The remaining allegations of the paragraph are denied.
5. In response to paragraph I.4., on information and belief Respondents admit the horse known as "Up for Parole" was entered at the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN, on or about August 27, 2011. Respondents do not possess information to either admit or deny the allegations concerning the entry number nor the class number, and therefore, same are denied. The remaining allegations contained in paragraph I.4., are denied.
6. In response to paragraph II.1., Respondents admit Respondent McConnell showed the horse known as "Up for Parole" at the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN, on or about August 27, 2011. These Respondents do not possess information to either admit or deny the allegations concerning the entry number nor the class number, and therefore, same are denied. The remaining allegations contained in paragraph II.1. are expressly denied.

7. In response to paragraph II.2., Respondents admit the horse known as "Up for Parole" was entered at the 73rd Annual Tennessee Walking Horse Celebration in Shelbyville, TN, on or about August 27, 2011. Respondents do not possess information to either admit or deny the allegations concerning the entry number nor the class number, and therefore, same are denied. The remaining allegations contained in paragraph II.1. are expressly denied.
8. The unnumbered paragraph beginning "WHEREFORE" does not contain allegations of fact requiring an answer of these Respondents. However, should said allegations be construed adversely against these Respondents, then same are denied.
9. Numbered paragraph 1. does not contain allegations of fact requiring an answer of these Respondents. However, should said allegations be construed adversely against these Respondents, then same are denied.
10. Numbered paragraph 2., including subparagraphs (a) and (b), does not contain allegations of fact requiring an answer of these Respondents. However should said allegations be construed adversely against these Respondents, then same are denied. Further, Respondents specifically deny the Complainant is entitled to any relief whatsoever against these Respondents.

FIRST AFFIRMATIVE DEFENSE

Section 5(2)(A) and 5(2)(B) of the Act (15 U.S.C. § 1824(2)(A)-(B)) and 9 C.F.R. §11.3 are, as drafted, so outdated, vague and contrary established veterinary

science and practice as to render them unenforceable as failing to place those regulated under them on notice of the standard to be applied.

SECOND AFFIRMATIVE DEFENSE

Section 5(2)(A) and 5(2)(B) of the Act (15 U.S.C. § 1824(2)(A)-(B)) and 9 C.F.R. §11.3 are, as interpreted and applied by the United States Department of Agriculture, so inconsistent as to render them unenforceable as failing to place those regulated under them on notice of the standard to be applied.

THIRD AFFIRMATIVE DEFENSE

The United States Department of Agriculture inspector(s) in the instant case failed to perform a proper inspection.

FOURTH AFFIRMATIVE DEFENSE

The United State Department of Agriculture inspector(s) in the instant case improperly targeted this Respondent.

FIFTH AFFIRMATIVE DEFENSE

The United States Department of Agriculture inspector(s) in this case lacked adequate training and experience in order to render their opinion in the instant case.

SIXTH AFFIRMATIVE DEFENSE

The violation alleged against these Respondents is not scientifically valid as it unsupported by established veterinary science and practice.

WHEREFORE, PREMISES CONSIDERED, Respondents Jimmy McConnell and Formac Stables, Inc., pray the Amended Complaint filed herein against them be dismissed as unfounded and that they be discharged with their costs.

Alternatively, Respondents Jimmy McConnell and Formac Stables, Inc.,

hereby demands a Trial on the Merits.

A TRIAL ON THE MERITS IS HEREBY DEMANDED

Respectfully submitted, this the 20th of November, 2014.

By: 

Donald S. Gandy, On Behalf of
Respondent Jimmy McConnell

w/ permission

Donald S. Gandy, Esq.
1300 South University Drive
Suite 500
Fort Worth, Texas 76107
817-332-9300
Fax: 817-332-9301

CERTIFICATE OF SERVICE

I hereby certify that I have federal expresses, overnight delivery, a copy of the foregoing document to counsel for the Complainant:

BRIAN T. HILL
Attorney for the Complainant
Office of the General Counsel
United States Department of Agriculture
South Building, Room 2325
Washington, D.C. 20250-9203

This the 20th day of November, 2014.


Donald S. Gandy

w/ permission