



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
United Airlines, Inc.,) P.Q. Docket No. 14-0064
) A.Q. Docket No. 14-0064
)
)
Respondent) Consent Decision and Order

This proceeding was instituted under the Plant Protection Act (7 U.S.C. § 7701 et seq.) (PPA) and the Animal Health Protection Act (7 U.S.C. § 8301 et seq.) (AHPA) (collectively “the Acts”), by a Complaint filed by the Administrator of the Animal and Plant Health Inspection Service, alleging that United Airlines, Inc. (Respondent) violated the Acts and the regulations promulgated thereunder. Complainant and Respondent have agreed that this proceeding should be terminated by entry of this Consent Decision, and have agreed to the following stipulations:

1. For the purpose of this Consent Decision only, Respondent specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the Complaint, admits to the Findings of Fact as set forth below, and waives:

- (a) Any further procedure;
- (b) Any requirement that the final decision in this proceeding contain 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 and otherwise challenge or contest the validity of this decision.

2. Respondent also stipulates and agrees to waive any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by Respondent in connection with this proceeding and the facts and events that gave rise to this proceeding.

3. The parties also stipulate and agree that this Consent Decision and Order settles the alleged violations of the PPA and the AHPA as described in Paragraph II of the Complaint as well as all potential violations of the PPA and AHPA by Respondent and its predecessor corporations, United Air Lines, Inc. and Continental Airlines, Inc., that are comparable and similar to those set out in Paragraph II of the Complaint that have occurred up to and including the effective date of this Consent Decision and Order at any location where Respondent operates or where Respondent or its predecessor corporations, United Air Lines, Inc. and Continental Airlines, Inc., operated.

Findings of Fact

1. Continental Airlines, Inc. was a corporation organized under the laws of the State of Delaware with its corporate headquarters located in Houston, Texas. United Air Lines, Inc. was a corporation organized under the laws of the State of Delaware with its corporate headquarters located in Chicago, Illinois. United Air Lines, Inc. was a wholly owned subsidiary of UAL Corporation. On October 1, 2010, another wholly owned subsidiary of UAL Corporation, JT Merger Sub, Inc., merged with and into Continental Airlines, Inc. with Continental Airlines, Inc. continuing as the surviving corporation after the merger. Upon the closing of the merger, UAL Corporation changed its name to United Continental Holdings, Inc. and Continental Airlines, Inc. became a wholly owned subsidiary of United Continental Holdings, Inc. along with United Air Lines, Inc. On March 31, 2013, United Air Lines, Inc.

merged with and into Continental Airlines, Inc. with Continental Airlines, Inc. continuing as the surviving corporation after the merger and as a wholly owned subsidiary of United Continental Holdings, Inc. Upon the closing of the merger, Continental Airlines, Inc. changed its name to United Airlines, Inc.

2. Respondent United Airlines, Inc. is a corporation organized under the laws of the State of Delaware with its corporate headquarters located in Chicago, Illinois. Its mailing address is ATTN Brett J. Hart, Executive Vice President, General Counsel, and Secretary, 233 S. Wacker Drive, Chicago, IL 60606.

3. Respondent regularly moves, and its predecessor corporations United Air Lines, Inc. and Continental Airlines, Inc. regularly moved, items into the United States from other countries for importation into or transit through the United States.

Conclusions

Respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision and Order will be issued.

Order

Respondent is assessed a civil penalty in the amount of Three Hundred Thousand Dollars (\$300,000.00). Respondent shall send a certified check, cashier's check, or money order for the Three Hundred Thousand Dollars (\$300,000.00), payable to the Treasurer of the United States to USDA-APHIS-GENERAL, PO Box 979043, St. Louis, MO 63197-9000, within thirty (30) days from the effective date of this Order. The certified check, cashier's check, or money order should include the identification number **NJ09437-HS et al.** on the payment instrument.

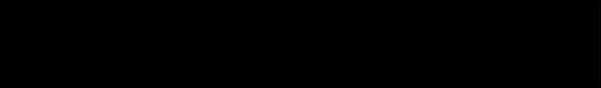
This Order shall become effective when served on Respondent.

Respondent,
United Airlines, Inc.

By: 

Title: Associate General Counsel - Regulatory,
Alliances & International


James Conneely
Attorney for Respondent


Leah C. Battaglioli
USDA - Office of the General Counsel
Attorney for Complainant

Issued this 17th day of July, 2014
at Washington, D.C.


Peter M. Davenport
Chief Administrative Law Judge