

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/DALJ/OHC
2019 MAY 6 PM 12:20

In re:)
)
Redland Nursery, Inc.; and) P.Q. Docket No. 15-0104
John C. DeMott,) P.Q. Docket No. 15-0105
)
Respondents.)

ORDER DISMISSING COMPLAINT AS TO RESPONDENT JOHN C. DEMOTT
AND CASE CAPTION AMENDMENT

Appearances:

Elizabeth Kruman, Esq., with the Office of the General Counsel, United States Department of Agriculture, for the Complainant, Animal and Plant Health Inspection Service ("APHIS"); and

Katie Edwards-Walpole, Esq., Saul Ewing Arnstein & Lehr LLP, for Respondents Redland Nursery, Inc. and John C. Mott.

This proceeding was instituted under the Plant Protection Act, as amended and supplemented (7 U.S.C. §§ 7701 *et seq.*), and the regulations promulgated thereunder by the Secretary of Agriculture (7 C.F.R. § 301.81 *et seq.*) via Complaint filed on April 28, 2015 by the Complainant, the Administrator, Animal and Plant Health Inspection Service ("APHIS"), against Respondents Redland Nursery, Inc. ("Redland Nursery"), and John C. DeMott.

On April 18, 2019 Respondent Redland Nursery filed a Statement of the Fact of the Death of Respondent John DeMott, notifying Complainant and myself of the death of Mr. John C. DeMott on November 17, 2018. On May 1, 2019, Complainant filed a Notice of Withdrawal of Complaint as to Respondent John C. DeMott, requesting that the instant matter, as it pertains to Mr. DeMott, "be closed."

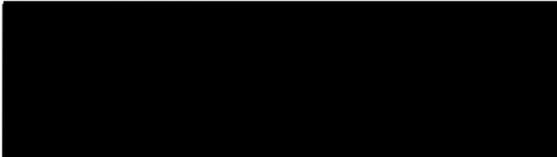
WHEREFORE, inasmuch as Complainant APHIS now withdraws the Complaint as to Respondent John C. DeMott, the Complaint as to Respondent John C. DeMott in Docket No. 15-0105 is **DISMISSED**.

Based on the foregoing, it is **ORDERED** that the above case caption is **AMENDED**¹ to the following, by removing the Docket No. 15-0105, now dismissed:

In re:)
)
Redland Nursery, Inc.,) **P.Q. Docket No. 15-0104**
)
Respondent.)

Copies of this Order shall be served upon the parties and counsel by the Hearing Clerk.

Done this 6th day of May 2019, at Washington, D.C.



Channing D. Strother
Chief Administrative Law Judge

Hearing Clerk's Office
U.S. Department of Agriculture
South Building, Room 1031
1400 Independence Avenue, SW
Washington, D.C. 20250-9203
Tel: 202-720-4443
Fax: 202-720-9776
SM.OHA.HearingClerks@OHA.USDA.GOV

¹ It is well within the Judge's authority to amend a case caption. 7 C.F.R. § 1.144(c) (13) (Judge has the authority to “[d]o all acts and take all measures necessary for the maintenance of order.”); *see, e.g., Cent. Beef Indus., LLC*, 2013 WL 417565 (U.S.D.A. 2013) (Order of Dismissal); *Falcon Air Express, Inc.*, 67 Agric. Dec. 399, 399 (U.S.D.A. 2009); *McConnell*, 64 Agric. Dec. 436, 437 n.1 (U.S.D.A. 2005); *Gregori*, 64 Agric. Dec. 1087, 1089 (U.S.D.A. 2005); *S. Shore Meats Corp.*, 68 Agric. Dec. 457, 457 (U.S.D.A. 2009); *Unified W. Grocers, Inc.*, 63 Agric. Dec. 557, 584 (U.S.D.A. 2004); *Bowtie Stables, LLC*, 59 Agric. Dec. 795 (U.S.D.A. 2000) (Order Allowing Withdrawal of Billy Corlew and Order Amending Case Caption); *Bobo*, 54 Agric. Dec. 1027, 1028 (U.S.D.A. 1995).