

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Kendall Frozen Foods, Inc.) PACA-D Docket No. **21-J-0038**
)
Respondent.)

Dismissal Without Prejudice to Either Party

Appearances:

Christopher Young, Esq. with the Office of the General Counsel, U.S. Department of Agriculture, 1400 Independence Ave SW, Washington DC 20250, for the Complainant, the Deputy Administrator, Fair Trade Practices Program [this case arose in the Perishable Agricultural Commodities Act (PACA) Division], Agricultural Marketing Service, United States Department of Agriculture (“AMS” or Complainant); and

Elise O’Brien, Esq., Rynn & Janowsky, LLP, 2603 Main St Suite 1250, Irvine CA 92614, for the Respondent, Kendall Frozen Foods, Inc.


1. On January 24, 2022, the parties, through counsel, filed with the USDA Hearing Clerk their “Joint Agreement by Parties to Withdraw the Notice to Show Cause and Request to Dismiss”, stating their joint request:

- (a) that the Notice to Show Cause, filed on May 28, 2021, be withdrawn; and
- (b) that this case be dismissed without prejudice to either party, and that the proceeding be closed.

2. Accordingly, this case regarding Kendall Frozen Foods, Inc., Respondent (PACA-D Docket No. **21-J-0038**) is DISMISSED, without prejudice to either party.

Copies of this “Dismissal Without Prejudice to Either Party” shall be sent by the Hearing Clerk to each of the parties.

Issued this 25th day of January 2022, at Washington, D.C.


Jill S. Clifton
Digitally signed
by JILL CLIFTON
Date: 2022.01.25
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Jill S. Clifton
Administrative Law Judge

Hearing Clerk's Office
U.S. Department of Agriculture
Stop 9203 South Building Room 1031-S
1400 Independence Ave SW
Washington DC 20250-9203

1-844-325-6940 FAX
1-202-720-4443 phone
sm.oha.HearingClerks@usda.gov