

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Brian Klein) PACA APP Docket No. **21-J-0023**
) [PACA T-2021-0022]
Petitioner.)

Dismissal and 2021 October Hearing Cancellation

Appearances:

Elise O'Brien, Esq., of Rynn & Janowsky, LLP, 2603 Main St Suite 1250, Irvine CA 92614, for the Petitioner, Brian Klein; and

Buren W. ("Chip") Kidd, Esq., and Christopher Young, Esq., with the Office of the General Counsel, U.S. Department of Agriculture, 1400 Independence Ave SW, Washington DC 20250, for the Respondent, the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service, United States Department of Agriculture ("AMS").¹

On August 18, 2021 a Joint Agreement by the Parties to Withdraw the Petition for Review was filed, stating, among other things:


The August 5, 2021 determination by Director Judith Rudman, finding that upon the review of additional information supplied to Respondent by Petitioner, Petitioner was not Responsibly Connected to Kendall Frozen Fruits, Inc when the company violated the PACA, renders the Petition for Review unnecessary and moot.

Consequently, PACA APP Docket No. **21-J-0023**, regarding Petitioner Brian Klein, is **DISMISSED**, and the Hearing scheduled for **2021 October 19 through 22 (Tuesday – Friday) and 26 through 29 (Tuesday – Friday) via ZOOM virtual webcast, is CANCELED.**

Copies of this "Dismissal and 2021 October Hearing Cancellation" shall be sent by the Hearing Clerk to each of the parties.

¹ The Respondent is the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service, United States Department of Agriculture ("AMS").

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


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CLIFTON
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Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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