

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Gregory A. Deakin,
d/b/a Banner Sale Management Service,

Respondent.

P&S-D Docket No. 22-J-0021

REC'D - USDA/OALJ/HCO
2022 JUL 11 1:25 PM

ORDER GRANTING UNOPPOSED MOTION TO DISMISS

Appearances:

Chloe Bourne, Esq., Office of the General Counsel, Mountain Region, United States Department of Agriculture, Lakewood, CO, for the Complainant, Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service (“AMS”)

Greg Deakin, pro se Respondent

This is a proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181 *et seq.*) (“Act”), and the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130 *et seq.*) (“Rules of Practice”). The matter initiated with a complaint filed on January 5, 2022 by the Deputy Administrator of the Fair Trade Practices Program, Agricultural Marketing Service, United States Department of Agriculture (“Complainant”), alleging Gregory A. Deakin, doing business as Banner Sale Management Service (“Respondent”), willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. §§ 201.1 *et seq.*).¹

On July 8, 2022, Complainant through counsel filed an unopposed motion to dismiss the case without prejudice. In support thereof, Complainant states:

1. Respondent passed away on June 12, 2022.

¹ Complaint at 1.

2. Considering Respondent's passing, Complainant seeks to have this case dismissed without award of costs, disbursements, or attorney's fees to any party.
3. Undersigned counsel for Complainant conferred with Respondent's estate representative, who does not oppose the relief requested.

Unopposed Motion to Dismiss at 1. Good cause having been shown, the following Order shall be entered.

ORDER

1. Complainant's Unopposed Motion to Dismiss is GRANTED.
2. Docket No. 22-J-0021, regarding Gregory A. Deakin, d/b/a Banner Sale Management Service, is hereby DISMISSED without prejudice and without award of costs, disbursements, or attorney's fees to any party.

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

Done at Washington, D.C.,
this 11th day of July 2022

Tierney Carlos /S/

Tierney Carlos
Administrative Law Judge

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