

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	PACA Docket No. D- 04-0006
Southern Produce Distributors, Inc.)	
)	
Respondent)	ORDER
)	

Several Motions and Responses have been filed in this matter in the last two months. In particular, Respondent has filed a Motion to Dismiss, to which Complainant has filed an Opposition along with its own Motion for a Decision Without Hearing by Reason of Admissions. On March 30, Complainant filed a Motion to Stay its previous motion, to which Respondent filed a Response and a Motion to Extend Time to File Objection or Response to Motion for Decision. Finally, on April 19, Complainant filed a Reply to Respondent's Response. As best I can determine, the parties have basically agreed that the proceedings before me should be stayed to allow them to attempt to resolve the matter. While the parties appear to disagree over what action is appropriate if the stay I issued is eventually dissolved, I intend to grant Respondent twenty days from that time to respond to Complainant's Motion for a Decision Without Hearing by Reason of Admissions.

Wherefore it is ordered that:

Proceedings in this case are stayed. The parties shall file a status report with the Hearing Clerk as to whether the stay need be continued within 60 days after the signing of this order. If and when the stay is dissolved, this proceeding will pick up where it left off, and Respondent shall have twenty days to respond to Complainant's Motion for a Decision.

MARC R. HILLSON
Chief Administrative Law Judge

April 23, 2004