



# Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003  
 awionline.org phone: (202) 337-2332 fax: (202) 446-2131

REC'D - USDA/OALJ/OHC  
 2021 MAY 26 PM 3:25

May 26, 2021

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

via email:

[SM.OHA.HearingClerks@usda.gov](mailto:SM.OHA.HearingClerks@usda.gov)

[Marilyn.kennedy@usda.gov](mailto:Marilyn.kennedy@usda.gov)

[Erin.Hoagland@usda.gov](mailto:Erin.Hoagland@usda.gov)

**RE: Request to Attend Hearing in AWA Docket 19-0004**

Dear Judge Clifton:

The Animal Welfare Institute (AWI) hereby requests to attend the virtual Hearing in AWA Docket 19-0004 (respondent Daniel J. Moulton) scheduled to begin July 26, 2021. This case is of significant public interest. In May 2020, *Science Magazine* [published a story about this case](#), which quoted AWI and used case information AWI had obtained through the Freedom of Information Act (FOIA). AWI also obtained through FOIA the February 10, 2021 Notice establishing the hearing in this Docket.

The outcome of this case has significant ramifications regarding how the USDA enforces the Animal Welfare Act (AWA) and is of great interest to AWI. Since 2017, AWI has published over 20 articles in our Quarterly regarding USDA enforcement of the AWA, including multiple articles about this case. In addition, AWI has a history of attending such hearings (e.g., Santa Cruz Biotechnology). AWI will, of course, abide by the order preventing “videotape, broadcast, televise, audio record or photograph...or other copying” as well as the other Virtual Hearing Expectations and Guidelines outlined in the February 10, 2021 Hearing Notice.

We also believe the public interest mandates that our request be granted, since other courts have enabled public access to virtual hearings during the COVID-19 pandemic.<sup>1</sup> Moreover, the USDA Rules of Practice also mandate that the public interest be considered when establishing a hearing.<sup>2</sup>

<sup>1</sup> See, e.g., U.S. District Court, District of Columbia, Standing Order 20-20 dated April 8, 2020.

<sup>2</sup> See *Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary*, Section 1.141 Procedure for hearing: “(b) Time, place, and manner. (1) If any material issue of fact is joined by the pleadings, the Judge, upon motion of any party stating that the matter is at issue and is ready for hearing, shall set a time, place, and manner for hearing as soon as feasible after the motion is filed, with due regard for the public interest and the convenience and necessity of the parties.”



*AWI MCR hearing request, page 2*

We look forward to your prompt response to this matter. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Nadia Adawi".

Nadia Adawi  
Executive Director/General Counsel

cc:

USDA (OGC) - Electronic Mail

John V. Rodriguez, OGC  
[John.Rodriguez@usda.gov](mailto:John.Rodriguez@usda.gov)  
Rupa Chilukuri, OGC  
[Rupa.Chilukuri@usda.gov](mailto:Rupa.Chilukuri@usda.gov)  
Joyce McFadden, OGC  
[Joyce.McFadden@usda.gov](mailto:Joyce.McFadden@usda.gov)  
Donna Erwin, OGC  
[Donna.Erwin@usda.gov](mailto:Donna.Erwin@usda.gov)  
Carla Wagner, OGC  
[Carla.Wagner@usda.gov](mailto:Carla.Wagner@usda.gov)

USDA (APHIS) - Electronic Mail

IES, APHIS  
[IESLegals@usda.gov](mailto:IESLegals@usda.gov)  
[ac.rss.mailbox@usda.gov](mailto:ac.rss.mailbox@usda.gov)

Respondent – Electronic Mail

Daniel J. Moulton, Esq.  
976 14th Ave SW  
Rochester, MN 55902  
[Moultonchinchilla@gmail.com](mailto:Moultonchinchilla@gmail.com)

**CERTIFICATE OF SERVICE**

Daniel J. Moulton, a/k/a Dan Moulton, d/b/a Moulton Chinchilla Ranch, Respondent

Docket: 19-0004

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct, and this is to certify that a copy of the REQUEST TO ATTEND HEARING IN AWA DOCKET 19-0004 has been furnished and was served upon the following parties on May 26, 2021 by the following:

USDA (OGC) - Electronic Mail

John V. Rodriguez, OGC

[John.Rodriguez@usda.gov](mailto:John.Rodriguez@usda.gov)

Rupa Chilukuri, OGC

[Rupa.Chilukuri@usda.gov](mailto:Rupa.Chilukuri@usda.gov)

Joyce McFadden, OGC

[Joyce.McFadden@usda.gov](mailto:Joyce.McFadden@usda.gov)

Donna Erwin, OGC

[Donna.Erwin@usda.gov](mailto:Donna.Erwin@usda.gov)

Carla Wagner, OGC

[Carla.Wagner@usda.gov](mailto:Carla.Wagner@usda.gov)

USDA (APHIS) – Electronic Mail

IES, APHIS

[IESLegals@usda.gov](mailto:IESLegals@usda.gov)

[ac.rss.mailbox@usda.gov](mailto:ac.rss.mailbox@usda.gov)

Animal Welfare Institute – Electronic Mail

Nadia S. Adawi

Executive Director/General Counsel

Animal Welfare Institute

Tel: (202) 446-2122

Cell: (215) 292-3080

E-mail: [nadia@awionline.org](mailto:nadia@awionline.org)

Respondent – Electronic Mail

Daniel J. Moulton

976 14th Ave SW

Rochester, MN 55902

[Moultonchinchilla@gmail.com](mailto:Moultonchinchilla@gmail.com)

Respectfully Submitted,

**ELIUTH**

**MORON**

Digitally signed by

ELIUTH MORON

Date: 2021.05.26

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Eliuth Morón, Assistant Hearing Clerk  
 USDA/Office of Administrative Law Judges  
 Hearing Clerk's Office, Room 1031-S  
 1400 Independence Ave., SW  
 Washington, DC 20250-9203