

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	
Daniel J. Moulton, an individual, also)	AWA Docket No. 19-0004
known as Dan Moulton, doing business)	
as Moulton Chinchilla Ranch,)	
)	
Respondent.)	

**Exclusion Order to Protect Hearing Integrity
and to Prevent Witness Harassment**

Appearances:

Rupa Chilukuri, Esq., and John V. Rodriguez, Esq., each with the Office of the General Counsel, United States Department of Agriculture, 1400 Independence Ave SW, Washington, DC 20250, for the Complainant. The Complainant is the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (“APHIS” or Complainant); and

the Respondent Daniel J. Moulton, also known as Dan Moulton, representing himself.

1. Order: I order that, through the conclusion of the Hearing (now scheduled to end September 24 [Fri] 2021, but likely to go longer), witnesses will be protected from hearing or being exposed to evidence from others, so that testimony is based on witnesses’ own recollection. This is an Order, for which good cause has been shown, that I call “Exclusion Order”. Exempt from this Order are parties and party representatives (one at a time, not required to be the same person); remedy or sanction witnesses; counsel; and technical advisors to parties and counsel (one at a time, not required to be the same person).

2. Section 1.141(h)(1)(ii) (7 C.F.R. § 1.141(h)(1)(ii) provides: Upon a finding of good cause, the Judge may order that any witness be examined separately and apart from all other witnesses except those who may be parties to the proceeding.

7 C.F.R. § 1.141(h)(1)(ii).

3, This Exclusion Order arises from Dial-In telephone conferences in Docket No. **19-0004** held on July 12 and July 19, 2021, each lasting about an hour. The three individuals shown above under “Appearances” participated in the conferences.

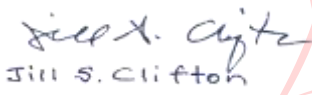
4. The Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130 through 1.151) (“Rules of Practice”) guide my discretion.

5. Good cause has been shown for me to limit access to the Hearing, both to prevent evidence from being distributed prior to the conclusion of the Hearing; AND to prevent witness harassment. Several non-parties, members of the public, have filed requests for access to the Hearing. By separate Order, I will address their requests, but one condition of their monitoring the Hearing will be their agreement to abide by the objective of this Exclusion Order by not disseminating evidence through the conclusion of the Hearing except that which is already publicly available, as may be found on an APHIS website. There will be about 10 conditions total, to be itemized in what I call Conditions Order.

6. Due to the corona virus pandemic and limited in-office staffing, filing via email with the Hearing Clerk at SM.OHA.HearingClerks@usda.gov is preferred. Or, use the FAX number for the Hearing Clerk, if you prefer. The Hearing Clerk receives FAXes sent to **1-844-325-6940** in an inbox on the computer, so coming into the office is not required to retrieve the FAXes.

Copies of this “Exclusion Order to Protect Hearing Integrity and to Prevent Witness Harassment” shall be sent by the Hearing Clerk to each of the parties. The Hearing Clerk is requested to send copies also to the non-parties, members of the public, who have already filed a request for access to the Hearing by the time the Hearing Clerk receives this filing.

Issued at Washington, D.C. this 22nd day of July 2021


Jill S. Clifton

Digitally signed by
JILL CLIFTON
Date: 2021.07.22
15:10:14 -04'00'

Jill S. Clifton
Administrative Law Judge

Hearing Clerk's Office
United States Department of Agriculture
South Building, Room 1031-S
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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 EXCLUSION ORDER TO PROTECT HEARING INTEGRITY AND TO PREVENT WITNESS HARASSMENT has been furnished and was served upon the following parties on July 22, 2021 by the following:

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Respectfully Submitted,

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