

**MOULTON CHINCHILLA RANCH**

**Daniel J. Moulton**

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July 9, 2021

Clifton, Jill—OHA-OALJ, Washington, DC  
[jill.clifton@usda.gov](mailto:jill.clifton@usda.gov)

Re: DANIEL J. MOULTON, an individual, also known as DAN MOULTON, doing business as MOULTON CHINCHILLA RANCH  
AWA Docket No. 19-0004

Dear Judge Clifton:

A short time ago, a notice was sent to me about AWI's request to be involved with the hearing between myself and the USDA. I did not realize that I should have responded and assured that we would have discussed this next week. My assumption was wrong and I ask the court to reassess her previous decisions on public access.

I recognize that this matter is civil in nature. It is different from criminal matters. In the case of Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555(1980) that case discussed access to criminal cases and had a two step test. First, the court considered whether those matters had historically been open to the press or to the public. Second, the court looked at whether public access played a significant positive role in the functioning with the particular process in question.

In the Richmond case, the court presumed access. However, that court recognized access could be overcome by a showing that closing the proceeding preserves higher interest and that the closure of the hearing serves that interest.

The court recognized closure could protect a defendant's rights to a fair trial or to protect the privacy of witnesses.

Although, Richmond was criminal, the concerns of the court there can apply to a civil matter as well. A closure will protect the private interests of witnesses, but there is also a need to protect the parties' privacy, confidential business information and even, trade secrets. The court looked at privacy and balanced it with the First Amendment.

In this case, Peta and Animal Folks are aligned with each other. Peta has already gone after customers of Dan Moulton with false information, resulting in the loss of business by Dan Moulton from a pet shop, from a pet distributor and from the University of Minnesota.

There have been news stories published to the public on separate occasions that were false.

A veterinarian who was working with Dan Moulton and the chinchillas was turned in by Peta or Animal Folks to the Minnesota Board of Veterinarians for failing to prescribe pain medication when none was needed.

Peta has harassed Dan Moulton's wife at work with unwanted emails, his children at their homes with emails and to a vet that Dan Moulton has worked with.

That neighbors from at least 1.5 miles away from the Moulton Farm have received letters and photos from Peta claiming falsely that Dan Moulton's chinchillas have been abused.

The University of Miami in Florida has even been criticized for buying chinchillas from Dan Moulton in 2014.

Recently, Peta used a van in Fillmore County and Olmsted County with TV monitors sharing Dan Moulton, his wife and photos of animals that Dan Moulton was treating, claiming all kinds of falsehoods.

The purpose is to generate donations for Peta. When Dan Moulton communicated with 5 of the people who complained by email about the alleged case, of probably 2,000 hate mail persons, all apologized because they did not know the true facts.

Science Magazine should not be allowed access either. Their article was false as well.

I am asking the court to not allow any public access because of what has happened, in order to obtain a fair hearing.

Sincerely,



Dan Moulton

cc: all parties

## 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 RESPONDENT'S REQUEST NOT TO ALLOW ANY PUBLIC ACCESS has been furnished and was served upon the following parties on July 12, 2021 by the following:

USDA (OGC) - Electronic Mail

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Respondent – Electronic Mail

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Animal Welfare Institute – Electronic Mail

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Science Magazine – Electronic Mail

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Respectfully Submitted,

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