

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.)	

**Order Deferring Ruling on non-party
Objection filed 2021 July 23 (Fri)**

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. I have carefully considered (a) the non-party Objection filed by Nadia Adawi, Executive Director/General Counsel, Animal Welfare Institute, July 23, 2021; the Response filed by the Respondent Daniel J. Moulton August 6, 2021; and the Response filed by the Complainant APHIS August 6, 2021, each filed in Docket No. **19-0004**, the above-captioned matter. I **DEFER ruling** on the non-party Objection filed July 23, 2021.

2. My primary objective remains to gather evidence (testimony and exhibits) upon which my Decision and Order will be based, and to do so without losing the days already scheduled August 9-13 (Mon-Fri) 2021. I persist in my “Conditions Order, to Monitor the Hearing” filed July 22, 2021, finding its requirements (a) compatible with my “Exclusion Order to Protect Hearing Integrity and to Prevent Witness Harassment” filed July 22, 2021; and (b) suitable for the limited, borrowed, telephone conferencing capacity of this Hearing by Dial-In Telephone Conference.

3. During the Hearing on Friday, August 13, 2021, I will discuss on the record with the parties alternative platforms for our final week of Hearing, scheduled for Sept 20-24 (Mon-Fri) 2021. My choice of Hearing by Dial-In Telephone Conference [which is what we had for July 26-30 (Mon-Fri) 2021, and what we also have for August 9-13 (Mon-Fri) 2021], is a

platform least compatible with APHIS's objective to provide the public with unfettered access to the Hearing.


4. Now that travel restrictions and other corona virus pandemic concerns have eased, an in-person, face-to-face Hearing, the platform most compatible with providing the public with unfettered access to the Hearing, is likely do-able. This Hearing would have been held in person, face-to-face, in Minnesota, in April 2020, in a USDA conference room in Minneapolis. Perhaps we will now be welcomed to that location to conclude this Hearing .

5. Another topic I will discuss on the record with the parties on Friday, August 13, 2021, will be consideration of my issuing a Decision and Order **orally** at the close of the Hearing, in accordance with section 1.142(c) of the Rules of Practice (7 C.F.R. § 1.142(c)). Any party who chooses "to submit for consideration proposed findings of fact, conclusions, order, and brief in support thereof" (7 C.F.R. § 1.142(b)), would be required to do so in writing submitted during the Hearing, which writing could be supplemented orally in closing argument at the Hearing.

Copies of this "Order Deferring Ruling on non-party Objection filed 2021 July 23 (Fri)" shall be sent by the Hearing Clerk to each of the parties.

**The Hearing Clerk is requested to send a copy also to Nadia Adawi,
Executive Director/General Counsel, Animal Welfare Institute.**

Issued at Washington, D.C. this 8th day of August 2021.


Jill S. Clifton

Digitally signed by
JILL CLIFTON
Date: 2021.08.08
17:55:21 -04'00'

Jill S. Clifton
Administrative Law Judge

Hearing Clerk's Office
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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 ORDER DEFERRING RULING ON NON-PARTY OBJECTION FILED 2021 JULY 23 (FRI) has been furnished and was served upon the following parties on August 9, 2021 by the following:

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Respectfully Submitted,

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