

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. )

**Hearing Notice AMENDED:  
2021 September 20 through 24 (Mon - 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. The next week of Hearing in Docket No. **19-0004** regarding the Respondent Dan Moulton (see case caption above) is scheduled for **September 20-24 (Mon-Fri) 2021**.
2. The Hearing Notices filed February 10, 2021 AND July 12, 2021 are AMENDED: going forward, the Hearing will be conducted using APHIS’s Zoom license. This change allows participants and invited non-party observers to attend the remainder of the Hearing either by logging into Zoom via computer or smart mobile device or by dialing into Zoom via telephone (mobile phone or land line). Participants and invited non-party observers have the option to appear on video or off video; that is, no one will be required to appear as an image on a computer screen. See my Order filed August 16, 2021, especially paragraph 4.
3. Participants in the Hearing will connect to Zoom each day no earlier than about **9:00 a.m. Central time (10:00 a.m. Eastern time)**; the Hearing is expected to conclude each day by about **2:55 p.m. Central time (3:55 p.m. Eastern time)**. There are likely to be numerous breaks during that 6 hours, including a lunch break of about an hour.
4. Email addresses will be utilized to send the Zoom connection information for the Hearing. Erin Hoagland, Esq. or Marilyn Kennedy, each of whom works with me in the USDA Office of Hearings and Appeals, Office of Administrative Law Judges, will email the Zoom connection information. The Zoom connection information shall NOT be widely

disseminated and shall NOT be filed with the Hearing Clerk. **I remain concerned that the integrity of the Hearing may be compromised by non-parties, and that witnesses may be harassed by non-parties.**

5. Counsel for APHIS have the Zoom connection information and are expected to provide the information to their participants.

6. Ms. Hoagland will email Mr. Moulton the Zoom connection information, and he is expected to provide the information to his participants.

7. Ms. Hoagland will email David Jones of Heritage Reporting Corporation; AND the Contracting Officer Representative Caroline Hill, the Zoom connection information, and Heritage Reporting Corporation is expected to provide the information as needed by its court reporter(s).

8. Ms. Hoagland will email the 3 non-party observers the Zoom connection information. These 3 non-party observers were among the 5 non-parties who were served with a copy of my “Conditions Order, to Monitor the Hearing”, filed July 22, 2021; AND they filed with the USDA Hearing Clerk, copying [marilyn.kennedy@usda.gov](mailto:marilyn.kennedy@usda.gov) and [erin.hoagland@usda.gov](mailto:erin.hoagland@usda.gov) , to state agreement with the conditions in paragraph 2 of that Order.

9. By separate order I will address the other 2 non-parties, and multiple people from all 5 non-parties, and the other unaddressed items I mentioned in my Order filed August 16, 2021, especially paragraph 5.

10. Due to the Corona virus pandemic and limited in-office staffing, filing via email with the Hearing Clerk at [SM.OHA.HearingClerks@usda.gov](mailto: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.

### ***Logistics for Zoom***

11. All participants in the Hearing—including the parties, the parties’ representatives, the parties’ technical advisors, the parties’ witnesses, the court reporter, non-party observers, and the judge and her support staff—may each choose his or her own physical location but should ensure the ability to access 1) a secure and dependable high-speed internet connection or 2) reliable telephone connection (mobile or landline) if using the dial-in option.

12. Participants who choose to connect to Zoom with a computer or smart mobile device that is compatible with platform application and has a camera and microphone for both video and audio capability, may do so. Participants who choose to connect to Zoom by telephone may use the dial-in option.

13. Office of Administrative Law Judges (“OALJ”) Administrative Management Specialist Marilyn “Nita” Kennedy or OALJ Attorney Erin Hoagland will be available to provide assistance to participants if needed. Ms. Kennedy can be contacted by phone at 1-202-720-8423 or email at [marilyn.kennedy@usda.gov](mailto:marilyn.kennedy@usda.gov) or by FAX at 1-844-332-7965 ; and Ms. Hoagland can be contacted by phone at 1-202-815-0344 or by email at [erin.hoagland@usda.gov](mailto:erin.hoagland@usda.gov)

14. There are two Zoom options.

A. Participants may log into Zoom via computer or smart mobile device, click on the provided link, ensure that your name is viewable. Participants should test video and microphone to ensure operability. When you enter you should select “join by computer audio.”

B. Participants may dial-in to Zoom. I, the Judge, expect to dial-in.

15. Hearing testimony will be transcribed. A copy of the transcript may be purchased by making arrangements with Heritage Reporting Corporation, the court reporting company.

### ***Zoom Expectations and Guidelines***

16. The following expectations and guidelines are important.


- DO NOT VIDEOTAPE, BROADCAST, TELEWISE, AUDIO RECORD, OR PHOTOGRAPH, INCLUDING TAKING SCREENSHOTS OR OTHER COPYING. RECORDING IS ONLY PERMITTED BY THE OFFICIAL COURT REPORTER. Violation of this rule or causing disruptions may result in removal and other sanctions.
- Participants are expected to maintain decorum and ensure an environment that is considerate and respectful of the parties, the judge, and other participants. Those who choose to attend by video are expected to appear in both dress and manner as they would if appearing before the judge in person. Participants appearing by video should be aware of the appropriateness of the visible background. All participants should keep background noise to a minimum.
- Witnesses appearing by video may not use a virtual background. Witnesses may be asked to identify others present when they testify, and may be asked about the witness’s surroundings.

- Counsel/parties may use the “Share Screen” tool to share a document on the screen or use email to send a document as an attachment to a witness, other party or counsel, the judge, and the reporter. Where many of us will connect by dialing-in, distributing documents beforehand is especially important.
- Only participants “on the floor,” such as the judge, examining counsel/party, witness, and opposing counsel/party, should have their microphone and camera on. If a party is not examining a witness or otherwise speaking, that party should keep his/her microphone on mute.
- Participants may use the “chat” function for technical questions/issues but should refrain from extraneous discussion. Participants may use the “raise hand” function to raise procedural issues or questions.
- The parties are requested to maintain continued access to email if possible, throughout the Hearing, in case documents must be exchanged.

Copies of this order “Hearing Notice AMENDED: 2021 September 20 through 24 (Mon - Fri)” shall be sent by the Hearing Clerk to each of the parties.

**The Hearing Clerk is requested to send a copy also to each non-party who was served with a copy of my Conditions Order filed July 22, 2021.**

Done at Washington, D.C. this 10th day of September 2021

  
Jill S. Clifton

Digitally signed by  
JILL CLIFTON  
Date: 2021.09.10  
17:19:00 -04'00'

Jill S. Clifton  
Administrative Law Judge

Hearing Clerk  
United States Department of Agriculture  
South Building, Room 1031-S  
1400 Independence Ave SW  
Washington, DC 20250

Phone: 1-202-720-4443  
Fax: 1-844-325-6940  
[sm.oha.HearingClerks@usda.gov](mailto:sm.oha.HearingClerks@usda.gov)

## 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 HEARING NOTICE AMENDED - 2021 SEPTEMBER 20 THROUGH 24 (MON-FRI) has been furnished and was served upon the following parties on September 14, 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)

Respondent – Electronic Mail

Daniel J. Moulton

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

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)

Animal Folks – Electronic Mail

Ann Olson

Animal Folks

Tel: (651) 222-2821

E-mail: [ann@animalfolks.org](mailto:ann@animalfolks.org)

Science Magazine – Electronic Mail

Meredith Wadman, BM BCh

Science Magazine

1200 New York Avenue N.W., #1144

Washington, D.C. 20005

Tel: (703) 343-3572

E-mail: [mwadman@aaas.org](mailto:mwadman@aaas.org)

National Geographics – Electronic Mail

Dina Fine Maron

National Geographics

Tel: (202) 870-6374

E-mail: [Dina.Maron@natgeo.com](mailto:Dina.Maron@natgeo.com)

Lewis & Clark Law School – Electronic Mail

Russ Mead

Lewis & Clark Law School

E-mail: [rmead@lclark.edu](mailto:rmead@lclark.edu)

Respectfully Submitted,

---

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