

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/OHC  
2021 AUGUST 16 AM 8:30

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

**2021 September 20 (Mon) Hearing Resumes**

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 is scheduled for **September 20-24 (Mon-Fri) 2021.**

The evidence that remains to be heard includes:

- (a) the Respondent Dan Moulton’s Case in Chief;
- (b) the Complainant APHIS’s Rebuttal, if any;
- (c) Dan Moulton’s Surrebuttal, if any;
- (d) [APHIS, with the burden of persuasion, goes first and last];
- (e) APHIS’s requested and recommended ORDER for the Judge’s Decision and Order, which likely will include requested and recommended remedies / sanctions;
- (f) Dan Moulton’s requested and recommended ORDER for the Judge’s Decision and Order; and
- (g) both parties are advised to include references to 7 U.S.C. § 2149 (a) and (b); plus any applicable “inflation adjustments” to civil monetary penalties such as may be described in 7 C.F.R. § 3.91.

2. When all evidence has been heard, the parties will be invited but not required to submit briefs during a very short window, to be determined. The sequence I have chosen is this: the first deadline will be for APHIS and Dan Moulton, each, simultaneously, to file OPENING briefs. An OPENING brief will contain at minimum, proposed findings of fact, conclusions, and order. 7 C.F.R. § 1.142(b). The second deadline will be for APHIS and

Dan Moulton, each, simultaneously, but ONLY IF he filed an OPENING brief, to file a RESPONSE brief.

3. Following filing of the briefs, if any, the Hearing will RESUME promptly, on a date to be determined, so that I may issue a Decision and Order **orally**, in accordance with section 1.142(c) of the Rules of Practice (7 C.F.R. § 1.142(c)).

4. Regarding the platform for the remainder of the Hearing, my concerns persist, to Protect Hearing Integrity and to Prevent Witness Harassment. Further, it would be unfair to hold one type of Hearing for APHIS's Case in Chief and a different type of Hearing for Mr. Moulton's Case in Chief. Taking into account 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, I have decided to use a Zoom platform borrowed from APHIS for the remainder of the Hearing, allowing EVERYONE, including me, to join by telephone if preferred, with no visual image to accompany the voice. The advantage over a Hearing by Dial-In Telephone Conference, is that Zoom will have greater conferencing capacity.

5. During the next few weeks I expect to issue another Hearing Notice AMENDED: (a) to reflect the change to Zoom; (b) to reflect my reliance on counsel for APHIS to obtain the Zoom platform for our use; and (c) to reflect my expectations ("rules") for those connecting to the Zoom platform. At about that time I expect to modify my "Conditions Order, to Monitor the Hearing" filed July 22, 2021, primarily to allow multiple people from the 5 non-parties who were served with a copy of that Order, to serve as non-party observers; and to address the restrictions on non-party observers reporting evidence not already in the public domain prior to all evidence having been received. I am keeping in place my "Exclusion Order to Protect Hearing Integrity and to Prevent Witness Harassment" filed July 22, 2021. Both parties will be responsible for their own witnesses not hearing the evidence of other witnesses; I do NOT intend to have "gatekeepers" keep Zoom participants in a "waiting room".

Copies of this order "2021 September 20 (Mon) Hearing Resumes" 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.**

Issued at Washington, D.C. this 15th day of August 2021.

*Jill S. Clifton*  
Jill S. Clifton

Digitally signed  
by JILL CLIFTON  
Date: 2021.08.15  
16:13:44 -04'00'

Jill S. Clifton  
Administrative Law Judge

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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 2021 SEPTEMBER 20 (MON) HEARING RESUMES has been furnished and was served upon the following parties on August 17, 2021 by the following:

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Respectfully Submitted,

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