

In re: KLEIMAN & HOCHBERG, INC.
PACA Docket No. D-02-0021.
In re: MICHAEL H. HIRSCH.
PACA Docket No. APP-03-0005.
In re: BARRY J. HIRSCH.
PACA Docket No. APP-03-0006.
Stay Order filed September 22, 2006.

PACA – Perishable agricultural commodities – Stay order.

Charles L. Kendall and Christopher Young-Morales for the Agricultural Marketing Service and the Chief of the PACA Branch.

Mark C.H. Mandell, Annandale, NJ, for Respondent and Petitioners.

Order issued by William G. Jenson, Judicial Officer.

On April 5, 2006, I issued a Decision and Order: (1) concluding Kleiman & Hochberg, Inc. [hereinafter Respondent], violated the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §§ 499a-499s) [hereinafter the PACA]; (2) revoking Respondent's PACA license; (3) concluding Michael H. Hirsch and Barry J. Hirsch [hereinafter Petitioners] were responsibly connected with Respondent; and (4) subjecting Petitioners to the licensing restrictions under section 4(b) of the PACA and the employment restrictions under section 8(b) of the PACA (7 U.S.C. §§ 499d(b), 499h(b)).¹ On April 24, 2006, Respondent and Petitioners filed a petition to reconsider *In re Kleiman & Hochberg, Inc.*, __ Agric. Dec. ____ (Apr. 5, 2006), which I denied.²

On July 26, 2006, Respondent and Petitioners filed a petition for review of *In re Kleiman & Hochberg, Inc.*, __ Agric. Dec. ____ (Apr. 5, 2006), and *In re Kleiman & Hochberg, Inc.*, __ Agric. Dec. ____ (June 2, 2006) (Order Denying Pet. to Reconsider), with the United States Court of Appeals for the District of Columbia Circuit. On August 2, 2006, Respondent and Petitioners filed a "Motion on Consent for Stay" requesting a stay of the orders in *In re Kleiman & Hochberg, Inc.*, __ Agric. Dec. ____ (Apr. 5, 2006), and *In re Kleiman & Hochberg, Inc.*, __ Agric. Dec. ____ (June 2, 2006) (Order Denying Pet. to Reconsider), pending the outcome of proceedings for judicial review.

In accordance with 5 U.S.C. c 705, Respondent's and Petitioners' Motion on Consent for Stay is granted.

For the foregoing reasons, the following Order should be issued.

ORDER

The orders in *In re Kleiman & Hochberg, Inc.*, __ Agric. Dec. ____ (Apr. 5, 2006), and *In re Kleiman & Hochberg, Inc.*, __ Agric. Dec. ____ (June 2, 2006) (Order Denying Pet. to Reconsider), are stayed pending the outcome of proceedings for judicial review. This Stay Order shall remain effective until lifted by the Judicial Officer or vacated by a court of competent jurisdiction.

¹*In re Kleiman & Hochberg, Inc.*, __ Agric. Dec. ____ (Apr. 5, 2006).

²*In re Kleiman & Hochberg, Inc.*, __ Agric. Dec. ____ (June 2, 2006) (Order Denying Pet. to Reconsider).