

**In re: KOAM Produce, Inc.  
PACA Docket No. D-01-0032.  
Stay Order.  
Filed November 14, 2006.**

**PACA – Perishable agricultural commodities – Stay order.**

Ann K. Parnes, Andrew Y. Stanton, and Christopher P. Young-Morales, for Complainant.  
Paul T. Gentile, New York, NY, for Respondent.  
*Order issued by William G. Jenson, Judicial Officer.*

On June 2, 2006, I issued a Decision and Order concluding KOAM Produce, Inc. [hereinafter Respondent], violated the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §§ 499a-499s), and ordering publication of the facts and circumstances of Respondent's violations.<sup>1</sup> On July 17, 2006, Respondent filed a "Petition to Reconsider," which I denied.<sup>2</sup>

On October 19, 2006, Respondent filed a petition for review of *In re KOAM Produce, Inc.*, \_\_\_ Agric. Dec. \_\_\_ (June 2, 2006), and *In re KOAM Produce, Inc.*, \_\_\_ Agric. Dec. \_\_\_ (Aug. 21, 2006) (Order Denying Pet. to Reconsider), with the United States Court of Appeals for the Second Circuit. On November 14, 2006, James R. Frazier, Acting Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture [hereinafter Complainant], filed a "Motion for a Stay Order as to Respondent Koam Produce, Inc." [hereinafter Motion for Stay Order], requesting a stay of the orders in *In re KOAM Produce, Inc.*, \_\_\_ Agric. Dec. \_\_\_ (June 2, 2006), and *In re KOAM Produce, Inc.*, \_\_\_ Agric. Dec. \_\_\_ (Aug. 21, 2006) (Order Denying Pet. to Reconsider), pending the outcome of proceedings for judicial review. On November 14, 2006, Respondent informed the Office of the Judicial Officer, by telephone, that it has no objection to Complainant's Motion for Stay Order.

In accordance with 5 U.S.C. § 705, Complainant's Motion for Stay Order is granted.  
For the foregoing reasons, the following Order should be issued.

### **ORDER**

The orders in *In re KOAM Produce, Inc.*, \_\_\_ Agric. Dec. \_\_\_ (June 2, 2006), and *In re KOAM Produce, Inc.*, \_\_\_ Agric. Dec. \_\_\_ (Aug. 21, 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.

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<sup>1</sup>*In re KOAM Produce, Inc.*, \_\_\_ Agric. Dec. \_\_\_, slip op. at 39 (June 2, 2006).

<sup>2</sup>*In re KOAM Produce, Inc.*, \_\_\_ Agric. Dec. \_\_\_ (Aug. 21, 2006) (Order Denying Pet. to Reconsider).