

ORIGINAL



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-11-0062
)
Eastern Livestock Company LLC)
and Thomas P. Gibson,)
)
Respondents)

CONSENT DECISION AS TO EASTERN LIVESTOCK COMPANY LLC

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*)(the Act), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondents willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*)(the regulations). This decision is entered pursuant to the consent decision provision of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Eastern Livestock Company LLC (Respondent LLC) admits the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The Complainant agrees to the entry of this decision.

Findings of Fact

1. Eastern Livestock Company LLC (Respondent LLC) is a limited liability company with a physical address and mailing address of 135 West Market Street, New Albany, Indiana 47150.

2. Respondent LLC, at all times material herein, was:

(a) Engaged in the business of a dealer buying and selling livestock in commerce for its own account and of a market agency providing clearing services; and

(b) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce for its own account and as a market agency providing clearing services.

3. On December 6, 2010, an involuntary bankruptcy petition was filed against Respondent LLC in the United States Bankruptcy Court, Southern District of Indiana, New Albany Division, as Chapter 11 Case No. 10-93904-BHL-11. On December 27, 2010, the Bankruptcy Court appointed James A. Knauer as Trustee for Respondent LLC, and the bankruptcy case was converted to a voluntary case under chapter 11 (Bankruptcy Case).

4. The Trustee is carrying out the liquidation of Respondent LLC and is empowered by the orders of the Bankruptcy Court to act on behalf of Respondent LLC. Respondent LLC has ceased operations and is not engaged in the livestock business as a dealer or as a market agency.

Conclusions

Respondent LLC having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

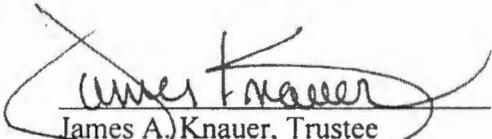
Respondent Eastern Livestock Company LLC, its agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from:

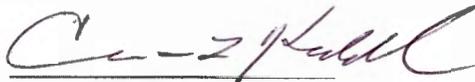
1. Failing to pay the full purchase price of livestock;
2. Failing to pay, when due, the full purchase price of livestock;
3. Issuing checks in payment for livestock purchases without sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented; and
4. Engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act, as amended and supplemented, and the regulations, without filing and maintaining an adequate bond or its equivalent, as required by the Act and the regulations.

In accordance with 7 U.S.C. § 204, the registration of Respondent Eastern Livestock Company LLC is suspended for a period of ten (10) years.

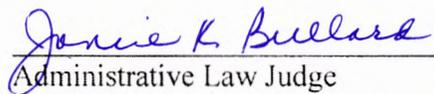
The provisions of this order shall become effective on the sixth day after service of this order on Respondent LLC. Nothing in this order is intended to conflict with or diminish the powers and duties of the Trustee for Respondent Eastern Livestock Company, LLC or the rights of Respondent Eastern Livestock Company, LLC under the United States Bankruptcy Code, 11 U.S.C. §101, et seq., nor is this order binding on the Trustee or Eastern Livestock LLC with respect to any claims asserted by or asserted against Eastern Livestock LLC in the Bankruptcy Case.

Copies of this decision shall be served upon the parties.


James A. Knauer, Trustee
for Eastern Livestock Company LLC


Charles L. Kendall
Attorney for Complainant

Issued this 17th day of December, 2014


Administrative Law Judge
JANICE K. BULLARD