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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

NOV 12 1952
RECORDED

In re:)	
)	P & S Docket No. D-11- 0362
Upchurch Livestock, Inc.,)	
)	
)	
Respondent)	Complaint

There is reason to believe that the Respondent named herein has willfully violated provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), herein referred to as the Act, and, therefore, this Complaint is issued alleging the following:

I

(a) Upchurch Livestock, Inc., herein referred to as the Respondent, is a corporation organized and existing under the laws of the state of Kentucky. Respondent's mailing address is: P.O. Box 76, Science Hill, Kentucky, 42553.

(b) Respondent, at all times material herein, was:

(1) Engaged in business as a dealer, buying and selling livestock in commerce for its own account; and

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for its own account.

II

On or about the dates and in the transactions set forth in Appendix A, Respondent purchased livestock in commerce and failed to pay, when due, the full purchase price of such livestock.

III

By reason of the facts alleged in paragraph II, Respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and § 228b).

WHEREFORE, it is hereby ordered that this Complaint shall be served upon Respondent for the purpose of determining whether the Respondent has willfully violated the Act. Respondent shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 *et seq.*). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer shall constitute an admission of all the material allegations of this Complaint.

The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), requests:

1. That unless Respondent fails to file an answer within the time allowed, or files an answer admitting all the material allegations of this Complaint, this proceeding be set for oral hearing in accord with the Rules of Practice governing proceedings under the Act; and
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from violating the Act with respect to the matters alleged herein, and

assessing such penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.
this 19 day of August, 2011



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

Brian Sylvester
Attorney for Complainant
U.S. Department of Agriculture
Office of the General Counsel
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Appendix A

Schedule of Failure to Pay within time period required by the Act for Livestock

Entity Information

Purchase Date	Seller's Name	Number of Head	Livestock Amount	Due Date	Payment Date/Envelope Postmark	Payment Instrument	Payment Amount
9/19/2009	Blue Grass Stockyards of Campbellsville LLC	19	\$8,837.20	9/21/2009	10/19/2009	Check	\$13,637.85
9/30/2009	Blue Grass Stockyards of Campbellsville LLC	12	\$4,800.65	10/1/2009	10/19/2009	Check	\$13,637.85
10/7/2009	Blue Grass Stockyards of Campbellsville LLC	22	\$5,043.81	10/8/2009	10/19/2009	Check	\$5,043.81
10/14/2009	Blue Grass Stockyards of Campbellsville LLC	5	\$1,893.55	10/15/2009	10/19/2009	Check	\$1,893.55
10/21/2009	Blue Grass Stockyards of Campbellsville LLC	66	\$24,071.46	10/22/2009	10/26/2009	Check	\$23,919.46
10/28/2009	Blue Grass Stockyards of Campbellsville LLC	21	\$6,982.23	10/29/2009	11/4/2009	Check	\$6,982.23
11/4/2009	Blue Grass Stockyards of Campbellsville LLC	44	\$16,579.18	11/5/2009	11/6/2009	Check	\$16,579.18
11/6/2009	Blue Grass Stockyards of Campbellsville LLC	6	\$1,965.75	11/9/2009	11/11/2009	Check	\$2,115.75
9/24/2009	Blue Grass South Livestock Market, LLC.	12	\$5,308.55	9/25/2009	9/28/2009	Check	\$5,308.55
10/5/2009	Blue Grass South Livestock Market, LLC.	14	\$5,272.30	10/6/2009	10/19/2009	Check	\$5,272.30
10/8/2009	Blue Grass South Livestock Market, LLC.	12	\$8,077.55	10/9/2009	10/19/2009	Check	\$7,785.05
10/12/2009	Blue Grass South Livestock Market, LLC.	3	\$1,055.00	10/13/2009	10/19/2009	Check	\$1,055.00
10/15/2009	Blue Grass South Livestock Market, LLC.	43	\$16,561.74	10/16/2009	10/19/2009	Check	\$16,176.46
10/19/2009	Blue Grass South Livestock Market, LLC.	15	\$5,441.60	10/20/2009	10/22/2009	Check	\$5,441.60
10/22/2009	Blue Grass South Livestock Market, LLC.	49	\$21,428.80	10/23/2009	10/26/2009	Check	\$22,276.80
10/26/2009	Blue Grass South Livestock Market, LLC.	13	\$6,514.15	10/27/2009	10/29/2009	Check	\$6,514.15
10/29/2009	Blue Grass South Livestock Market, LLC.	60	\$23,039.21	10/30/2009	11/2/2009	Check	\$23,039.21
11/2/2009	Blue Grass South Livestock Market, LLC.	23	\$11,998.58	11/3/2009	11/5/2009	Check	\$11,998.58
11/5/2009	Blue Grass South Livestock Market, LLC.	15	\$6,438.15	11/6/2009	11/23/2009	Check	\$6,438.15
11/9/2009	Blue Grass South Livestock Market, LLC.	99	\$39,477.50	11/10/2009	11/12/2009	Check	\$39,001.80
11/12/2009	Blue Grass South Livestock Market, LLC.	80	\$39,153.78	11/13/2009	11/23/2009	Check	\$39,153.78
11/16/2009	Blue Grass South Livestock Market, LLC.	19	\$5,645.13	11/17/2009	11/23/2009	Check	\$5,645.13
11/19/2009	Blue Grass South Livestock Market, LLC.	10	\$4,446.26	11/20/2009	11/23/2009	Check	\$4,446.26
11/23/2009	Blue Grass South Livestock Market, LLC.	16	\$6,229.35	11/24/2009	11/30/2009	Check	\$6,229.35
1/4/2010	Washington County Livestock Center, Inc.	23	\$8,825.69	1/5/2010	1/26/2010	Check	\$8,825.69