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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	.
	)	
California All Natural, LLC,	)	P&S Docket No D-12-0518
	)	
and	)	
	)	
Nathan Lewis,	)	
	)	
Respondents.	)	Complaint and Notice of Hearing

There is reason to believe that the respondents named herein have willfully violated provisions of the Packers & Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181 *et seq.*) (Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §§ 201.1- 201.200) (regulations); therefore, this complaint is issued alleging the following:

I.

a) Respondent California All Natural, LLC is a limited liability corporation organized under the laws of the State of California, with a mailing address of P.O. Box 357, Denair, CA 95316, and its principal place of business at 725 Zeff Road, Modesto, CA 95351.

b) Respondent California All Natural, LLC is a packer operating in commerce subject to the provisions of the P&S Act, 7 U.S.C. § 181 *et seq.*

c) The Respondent Nathan Lewis has a mailing address of P.O. Box 357, Denair, CA 95316, and his principal place of business at 725 Zeff Road, Modesto, CA 95351.

d) The Respondent Nathan Lewis at all times material herein was:

- 1) The president, manager and 100% shareholder of California All Natural, LLC;
- 2) Responsible for the direction, management and control of California All Natural, LLC;
- 3) Operating California All Natural, LLC as his alter ego; and
- 3) A packer as defined in section 201 of the Act. (7 U.S.C. § 191).

## II.

a) On December 28, 2010, Respondent California All Natural, LLC and its owner, Respondent Nathan Lewis, purchased eleven (11) head of cattle from John W. Boere of Modesto California on a carcass weight basis, for the purpose of slaughter.

b) On December 31, 2010, Respondent California All Natural, LLC and its owner, Respondent Nathan Lewis provided a written statement to John W. Boere, stating the hot weights of each cattle carcass purchased on December 28, 2010. On this date, Respondents settled the purchase and provided final payment to Mr. Boere based upon the hot weights and price in the written statement.

c) On or about January 2, 2011, but after December 31, 2010, Respondent California All Natural, LLC and its owner, Respondent Nathan Lewis, slaughtered the eleven cattle purchased from John E. Boere, and obtained the actual hot weights of these cattle carcasses. The actual hot weights of the cattle slaughtered were different from the hot weights paid upon during settlement of the purchase.

## III.

By reason of the facts alleged in paragraph I of this Complaint, Nathan Lewis is the alter ego of Respondent California All Natural, LLC.

By reason of the facts alleged in paragraph II of this Complaint, Respondents have willfully violated section 201.99(d) of the regulations (9 C.F.R. § 201.99(d)) and section 202(a) of the Act (7 U.S.C. §192(a)).

#### IV.

Wherefore, it is hereby ordered that for the purpose of determining whether Respondents have, in fact, willfully violated the Act and the regulations promulgated thereunder, this Complaint and Notice of Hearing shall be served upon Respondents. Respondents shall have twenty (20) days after receipt of this Complaint and Notice of Hearing in which to file with the Hearing Clerk, United States Department of Agriculture, Washington, DC 20250, an answer with an original and three copies, fully and completely stating the nature of the defense and admitting or denying, specifically and in detail, each material allegation of this Complaint and Notice of Hearing. Allegations not answered will 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 and Notice of Hearing unless the parties have agreed to a consent decision pursuant to section 1.138 of the Rules of Practice (7 C.F.R. § 1.138). Respondents are notified that unless a hearing is waived, whether expressly or by failure to answer and request a hearing as provided by sections 1.136 and 1.141 of the Rules of Practice (7 C.F.R. §§ 1.136, 1.141), a hearing for the above-mentioned purpose will be held at a place and time to be later designated before an administrative law judge authorized to conduct a hearing. At the hearing, Respondents will have the right to appear and show cause why an appropriate order should not be issued, in accordance with the provisions of the Act, requiring Respondents to cease and desist from violating the Act with respect to the matters alleged herein.

Done at Washington, D.C.

this 9 day of July, 2012



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Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Program

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