

Interlocutory Orders, Etc.

IN THE MATTER OF

**MARC CHING,
D/B/A
WHOLE LEAF ORGANICS**

Docket No. 9394. Order, May 8, 2020

Order staying the administrative proceeding and rescheduling the evidentiary hearing date.

ORDER REGARDING SCHEDULING IN LIGHT OF THE PUBLIC HEALTH EMERGENCY

Because of the declared public health emergency¹ associated with the outbreak of the coronavirus disease 2019 (“COVID-19”), also known as SARS-CoV-2; and because it has been advised that gatherings of ten or more persons may facilitate the spread of the disease, the Commission has determined that it is in the public interest to mitigate the transmission and impact of COVID-19, and that good cause exists to stay this proceeding and to reschedule the evidentiary hearing. Accordingly,

IT IS HEREBY ORDERED that this proceeding be fully stayed until June 4, 2020, except for matters of settlement; the filing of an Answer pursuant to Commission Rule of Practice 3.12(b)(2), 16 C.F.R. § 3.12(b)(2); the filing of a stipulation of facts and an agreed order pursuant to Commission Rule of Practice 3.26(g), 16 C.F.R. § 3.26(g); and other stipulations or joint filings; and

IT IS FURTHER ORDERED that the evidentiary hearing date and all pre-hearing deadlines in this proceeding be extended by the number of calendar days of this stay. The Administrative Law Judge retains discretion to adjust any such pre-hearing deadlines to the extent compatible with the hearing date as extended by this Order or to make a recommendation to the Commission regarding an alternative hearing date.

By the Commission.

¹ Pursuant to the Public Health Services Act, 42 U.S.C. § 247d, on January 31, 2020, the Secretary of the Department of Health and Human Services issued a declaration that a health emergency exists because of COVID-19; and on March 13, 2020, the President of the United States issued a proclamation that a national emergency exists concerning COVID-19. Remarks by President Trump, *available at* <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-conference-3/> (Mar. 13, 2020).

Interlocutory Orders, Etc.

IN THE MATTER OF

**MARC CHING,
D/B/A
WHOLE LEAF ORGANICS***Docket No. 9394. Order, May 28, 2020*

Order granting Complaint Counsel motion to withdraw this matter from adjudication for the purpose of the Commission's consideration of a proposed consent agreement that would resolve this matter in its entirety.

ORDER WITHDRAWING MATTER FROM ADJUDICATION
FOR THE PURPOSE OF CONSIDERING A PROPOSED CONSENT AGREEMENT

Complaint Counsel having moved to withdraw this matter from adjudication in order to enable the Commission to consider a proposed Consent Agreement, and Respondent Ching having no objection to the motion;

Complaint Counsel and Respondent Ching, having submitted a proposed Consent Agreement containing a proposed Decision and Order, executed by Respondent Marc Ching and Complaint Counsel and approved by the Director of the Bureau of Consumer Protection that, if accepted by the Commission, would resolve this matter in its entirety;

IT IS ORDERED, pursuant to Rule 3.25(c) of the Commission Rules of Practice, 16 C.F.R. § 3.25(c), that this matter in its entirety be, and it is hereby withdrawn from adjudication until July 17, 2020, and that all proceedings before the Administrative Law Judge are hereby stayed while the Commission evaluates the proposed Consent Agreement, pursuant to Rule 3.25(f), 16 C.F.R. § 3.25(f); and

IT IS FURTHER ORDERED, pursuant to Rule 3.25(b) of the Commission Rules of Practice, 16 C.F.R. § 3.25(b), that the proposed Consent Agreement shall not be placed on the public record unless and until it is accepted by the Commission.

By the Commission.