

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

FILED

APR 29 2008

US Court of Appeals  
4th Circuit

SANDERSON FARMS, INC., et al.,

Plaintiffs-Appellees,

-against-

TYSON FOODS, INC.,

Defendant-Appellant.

Court of Appeals Docket No. 08-1461

**APPELLANT'S MOTION FOR EMERGENCY STAY  
OF PRELIMINARY INJUNCTION**

Appellant Tyson Foods, Inc. ("Tyson") respectfully requests that this Court issue an emergency stay of the preliminary injunction entered against it by the United States District Court for the District of Maryland from 12:01 a.m. on May 1, 2008 until such time as this Court issues a ruling on Tyson's Motion For a Stay Of Preliminary Injunction Pending Appeal filed on April 28, 2008.

The district court's Order Granting Preliminary Injunction, by its terms, is to take full force and effect at 12:01 a.m. on Thursday, May 1, 2008. See Preliminary Injunction Order ("PI Order") at ¶ 2(a) (attached as Exhibit 1 to the Declaration of Caitlin J. Halligan ("Halligan Decl."), filed April 28, 2008). In order to avoid an issue of mootness if the Court does not issue a ruling on Tyson's Motion for a Stay of Preliminary Injunction Pending Appeal prior to that time,

Tyson therefore respectfully requests that the Court issue an emergency stay of the preliminary injunction from 12:01 a.m. on May 1, 2008 until such time as the Court may issue its full decision concerning Tyson's Motion for Stay of Preliminary Injunction Pending Appeal in order to preserve the status quo in this case.

Dated: New York, New York  
April 29, 2008

Respectfully submitted,

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