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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

NATIONAL MEAT ASSOCIATION,

Plaintiff,

and

AMERICAN MEAT INSTITUTE,

Plaintiff-Intervenor

v.

EDMUND GERALD BROWN, et. al,

Defendants.

CASE NO. CV-F-08-1963 LJO DLB

**ORDER CONTINUING THE HEARING
DATE ON THE MOTION FOR
PRELIMINARY INJUNCTION**

The Court in the Eastern District of California is faced with a crushing caseload. In 2008, each judge in this District was responsible for an average of 1305 pending cases and processed through to completion an additional 940 cases. In contrast, Courts in other parts of the nation have pending an average of 528 cases per judge and processed through to termination 468 cases per judge. The judges in this District process through to termination more cases than any other District in the Ninth Circuit. In addition, the undersigned has been in trial almost every day since the beginning of 2009, with no end in sight, and simply does not have sufficient time before the February 11, 2009 hearing to read the hundreds of pages currently filed (and requested to be filed), and to do the requisite legal research. Oral argument, without full preparation by the trial Court, is of no benefit to the parties, to counsel, or to the Court.

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2 Therefore, the Court CONTINUES the hearing on the preliminary injunction and The Humane
3 Society's motion to intervene to March 16, 2009 at 3:00 p.m in Department 4. While the Court has not
4 been provided with the needed judicial help to handle its caseload, the Court will not compromise its
5 obligation to be prepared fully for cases that come before it for oral argument.

6 The Court GRANTS plaintiff's request to respond to the Humane Society's opposition to the
7 motion for preliminary injunction and shall file its opposition not later than February 13, 2009. Any
8 reply by The Humane Society shall be filed not later than February 20, 2009. (N.B. There exists no
9 opposition to allowing The Humane Society's filings prior to its officially entering the case as an
10 Intervenor). Except as indicated, the parties shall file any oppositions or reply papers to the motions
11 pursuant to the time frame set in Local Rule 78-230 as if the hearing date had not been continued.

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14 IT IS SO ORDERED.

15 **Dated: February 3, 2009**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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