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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

COOPERATIVE REGIONS OF
ORGANIC PRODUCER POOLS, a
Wisconsin Stock Cooperative,

Plaintiff,

v.

STUEVE'S CERTIFIED ORGANIC
DAIRY, a California business
entity of unknown form; LLOYD
L. STUEVE, individually and
doing business as Stueve's
Certified Organic Dairy;
GAGE STUEVE, individually and
doing business as Stueve's
Certified Organic Dairy; and
DOES 1 through 50, inclusive,

Defendants.

No. 1:14-cv-01123 GEB SKO

ORDER

On July 28, 2014, Plaintiff filed a document entitled
"Proposed Order Re Expedited Preliminary Injunction Proceedings,"
seeking a preliminary injunction hearing on an expedited schedule
and requesting that its motion for a temporary restraining order
("TRO") be construed as a motion for a preliminary injunction.
(ECF No. 12.) Plaintiff also sent an email communication to the
Court deputy clerk, "request[ing] that the Court hear the matter
on an expedited basis on **Friday, August 1, 2014**, or as soon
thereafter as possible." (See Appendix 1.)

Plaintiff's motion for a TRO was denied on July 25,

1 2014, since

2 Plaintiff ha[d] not explained why it did not
3 seek injunctive relief earlier. This failure
4 of explanation for Plaintiff's three-week
5 delay in seeking a TRO implie[d] that, under
6 the circumstances, its delay ha[d]
7 contributed to part of the irreparable injury
8 it aver[red] it [was] enduring, and that it
9 should proceed by an expedited preliminary
10 injunction proceeding, rather than an ex
11 parte TRO proceeding.

12 (ECF No. 10.) However, Plaintiff's proposed order does not evince
13 compliance with Local Rule 144(e), which prescribes, in pertinent
14 part:

15 Applications to shorten time shall set forth
16 by affidavit of counsel the circumstances
17 claimed to justify the issuance of an order
18 shortening time. Ex parte applications to
19 shorten time will not be granted except upon
20 affidavit of counsel showing a satisfactory
21 explanation for the need for the issuance of
22 such an order and for the failure of counsel
23 to obtain a stipulation for the issuance of
24 such an order from other counsel or parties
25 in the action.

26 Communication with opposing "counsel or parties in the
27 action" should include any proposed briefing schedule and hearing
28 date. L.R. 144(e). Since Plaintiff has not shown compliance with
this Local Rule, the proposed order will not be signed.

Dated: July 29, 2014

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GARIAND E. BURRELL, JR.
Senior United States District Judge

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Appendix 1



500 Capitol Mall, Suite 1600
Sacramento, CA 95814
main 916.447.0700
fax 916.447.4781
www.stoel.com

July 28, 2014

MELISSA A. JONES
Direct (916) 319-4649
majones@stoel.com

VIA EMAIL (sfurstenu@caed.uscourts.gov) AND U.S. MAIL

Ms. Shani Furstenu
Courtroom Deputy to the Hon. Garland E. Burrell, Jr.
United States District Court for the Eastern District of California
Robert T. Matsui United States Courthouse
501 I Street, Courtroom 10, 13th Floor
Sacramento, CA 95814

RE: Cooperative Regions of Organic Producer Pools v. Stueve's Certified Organic Dairy, et al.
U.S. District Court for Eastern District of California, Case No. 1:14-cv-01123-GEB-SKO

Dear Ms. Furstenu:

Enclosed please find Plaintiff Cooperative Regions of Organic Producer Pools' ("CROPP Cooperative") [Proposed] Order re Expedited Preliminary Injunction Proceedings.

On July 25, 2014, the Court took CROPP Cooperative's *ex parte* application for a temporary restraining order and order to show cause re preliminary injunction ("Application") under submission and issued an Order denying CROPP Cooperative's request for a temporary restraining order. (Dkt. No. 10.) In the Order, the Court found that CROPP Cooperative's request "should proceed by an expedited preliminary injunction proceeding, rather than an *ex parte* TRO proceeding." (*Id.* at 4:2-4:2.) "This would provide Defendants with an opportunity to respond to Plaintiff's request for injunctive relief[.]" (*Id.* at 4:3-4:4.) The Order, however, did not specify an expedited hearing date or briefing schedule.

Accordingly, CROPP Cooperative hereby respectfully submits the enclosed [Proposed] Order re Expedited Preliminary Injunction Proceedings, with regard to a proposed briefing schedule. We also request that the Court hear the matter on an expedited basis on **Friday, August 1, 2014**, or as soon thereafter as possible.



July 28, 2014
Page 2

Should the Court have any questions or concerns, please do not hesitate to contact us.

Very truly yours,

Melissa A. Jones

MAJ/bmv
Enclosure

cc: Stueve's Certified Organic Dairy (with enclosure)
ATTN: Managing Agent
4548 Bentley Road
Oakdale, CA 95361

Lloyd L. Stueve (with enclosure)
4548 Bentley Road
Oakdale, CA 95361

Gage L. Stueve (with enclosure by mail and email)
869 River Bluff Drive
Oakdale, CA 95361