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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GEERTSON SEED FARMS, et al.,

No. C 06-01075 CRB

Plaintiffs,

**ORDER VACATING MARCH 24, 2011
ORDER, VACATING FEES MOTION,
AND SETTING FINAL FEES
BRIEFING SCHEDULE**

v.

THOMAS J. VILSACK, et al.,

Defendants.

Now pending in this case is Plaintiff Center for Food Safety's second motion for fees in this protracted litigation about the deregulation of RRA (Roundup Ready alfalfa). See generally Mot. (dckt. no. 303). On March 9, 2011, this Court learned that the parties failed to settle the fee dispute, despite participating in a settlement conference before Magistrate Judge Elizabeth D. Laporte. See dckt. no. 344. On March 22, 2011, Defendant sought leave to file final, simultaneous briefs on this issue, with a deadline of April 29, 2011. See dckt. no. 347. This Court granted that motion on March 24, 2011 before receiving Plaintiff's Opposition, filed that same day. Compare dckt. nos. 352, 351. It should not have done so.

Having now had the benefit of reviewing Plaintiff's Opposition, the Court makes the following ruling. The March 24, 2011 Order granting Defendant's motion is hereby VACATED. The original fees Motion (dckt. no. 303) is also VACATED. Plaintiff is DIRECTED to renote its fees motion according to the Court's rules, but need not file an

1 additional Memorandum of Points and Authorities. The parties are further DIRECTED to
2 abide by the following briefing schedule: Defendant may file a supplemental brief by April
3 29, 2011. Plaintiff may file a responsive brief two weeks after that. Defendant may then file
4 a reply, if it so chooses to do so, one week after that. The parties must limit their briefs to the
5 issues this Court raised but did not resolve in its December 21, 2010 Order. See dckt. no.
6 342. Briefs should be no longer than fifteen (15) pages in length.

7 **IT IS SO ORDERED.**

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9 Dated: April 5, 2011



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

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