



1 Plaintiffs Center for Food Safety *et al.* and federal defendants Edward T. Schafer *et al.*, by  
2 and through their undersigned counsel of record, respectfully submit this joint status report and  
3 proposed scheduling order.

4 Plaintiffs brought this action challenging the federal defendants' decision to deregulate  
5 genetically engineered sugar beets on January 21, 2008. On April 9, 2008, the parties filed a joint  
6 case management statement and proposed briefing schedule (Document 16), pursuant to which  
7 plaintiffs on June 2, 2008 filed their opening brief in support of summary judgment and noticed a  
8 hearing for September 19, 2008 (Document 89).

9 By Order dated August 4, 2008 (Document 111), the Court continued the September 19,  
10 2008 hearing on plaintiffs' motion for summary judgment pending the resolution of several motions  
11 to intervene. On August 15, 2008, the Court issued its order on the motions to intervene, in which it  
12 directed the parties to consider whether the intervenor-applicants should be allowed to appear as  
13 *amici curiae* in the liability phase of this litigation (Document 113 at 5). Pursuant to the stipulation  
14 of the parties, the Court granted the intervenor-applicants status as *amici* on September 16, 2008  
15 (Document 115).

16 The parties anticipate that the federal defendants' liability in this administrative record  
17 review litigation will be resolved through motions for summary judgment. Accordingly, because all  
18 issues relating to the intervenor-applicants' involvement in this case have now been resolved, the  
19 parties have agreed upon and respectfully request that the Court adopt the following schedule for the  
20 continuation of briefing in this case:

- |    |                    |   |
|----|--------------------|---|
| 21 | December 12, 2008: | Federal defendants file their opposition to plaintiffs' motion for summary judgment and cross-motion for summary judgment.  |
| 22 |                    |   |
| 23 | December 19, 2008: | Amici file their brief pursuant to the Court's September 16, 2008 Order (Document 115).                                     |
| 24 |                    |   |
| 25 | February 2, 2009:  | Plaintiffs file their reply in support of summary judgment and opposition to defendants' cross-motion for summary judgment. |
| 26 |                    |   |
| 27 | February 27, 2009: | Federal defendants file their reply in support of their cross-motion for summary judgment.                                  |

28 The parties request that the Court schedule a hearing on the parties' motions for summary judgment on March 27, 2009, or as soon thereafter as is convenient for the Court and parties.

1 Respectfully submitted,

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14 Dated: October 31, 2008

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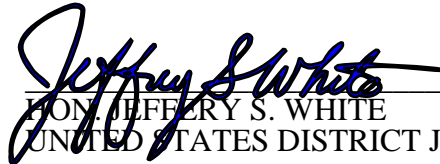
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*Counsel for Defendants*

1 **[PROPOSED] ORDER**

2 Pursuant to the forgoing stipulation of the parties, IT IS SO ORDERED. Federal defendants  
3 shall file their opposition to plaintiffs' motion for summary judgment and cross-motion for summary  
4 judgment on or before December 12, 2008. Pursuant to the Court's September 16, 2008 Order,  
5 *amici* shall file their brief within seven days after federal defendants file their cross-motion for  
6 summary judgment. Plaintiffs shall file their reply in support of summary judgment and opposition  
7 to defendants' cross-motion for summary judgment on or before February 2, 2009. Federal  
8 defendants shall file their reply in support of their cross motion for summary judgment on or before  
9 February 27, 2009. A hearing on the parties motions for summary judgment is scheduled for  
10 April 3, 2009 at 9:00 a.m..

11  
12 Dated: November 3, 2008

13   
14 HON. JEFFERY S. WHITE  
15 UNITED STATES DISTRICT JUDGE