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17 [Complete list of Parties on signature page]

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 SAN FRANCISCO DIVISION

21 Center for Food Safety, *et al.*,
 22 Plaintiffs,
 23 v.
 24 Thomas J. Vilsack, *et al.*,
 25 Defendants.

CASE NO. C-08-0484 JSW
**STIPULATION REGARDING
 BRIEFING AND PAGE LIMITS ON
 PLAINTIFFS' MOTION FOR
 PRELIMINARY INJUNCTION**

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1 Pursuant to Local Rule 6-2 and this Court's Order Setting Briefing Schedule Regarding
2 Motion For Preliminary Injunction dated January 20, 2010 (the "Briefing Order") permitting
3 stipulation of the parties to modify the existing briefing schedule for Plaintiffs' Motion for
4 Preliminary Injunction (the "PI Motion"), the parties hereby so stipulate to modification of the
5 briefing schedule set forth in the Briefing Order as follows: Federal Defendants shall submit
6 their Opposition to Plaintiffs' PI Motion on or before February 12, 2010, and Plaintiffs shall
7 submit their consolidated Reply to Federal Defendants' and Defendant-Intervenors' Oppositions
8 to Plaintiffs' PI Motion on or before February 19, 2010. The remaining deadlines in the Parties'
9 stipulation that was approved by the Court on January 26, 2010 (Dkt. No. 226) shall remain in
10 place.

11 The parties further stipulate that Plaintiffs shall be permitted to file a consolidated Reply
12 that exceeds the applicable page limitation set forth in the Court's Civil Standing Orders ¶ 6 by
13 ten pages, to a total length of not more than twenty-five (25) pages.

14 The parties submit that this Stipulation is for good cause, and in support of this
15 Stipulation state as follows.

16 1. On January 19, 2010, Plaintiffs filed their PI Motion, together with a
17 memorandum of law, 20 declarations and 19 exhibits in support, totaling 676 pages of materials.
18 Plaintiffs noticed their PI Motion for hearing on March 5, 2010.

19 2. On January 20, 2010, the Court issued the Briefing Order, requiring any
20 oppositions to the PI Motion to be filed by February 3, 2010, and any reply in support of the PI
21 Motion to be filed by February 10, 2010. The Briefing Order further states that "[i]f the parties
22 wish to modify this schedule, they may submit for the Court's consideration a stipulation and
23 proposed order demonstrating good cause for any modification requested." On January 25,
24 2010, the Parties filed a stipulation to revise the Court's Briefing Order. Dkt. No. 225. The
25 Court approved the Parties' stipulation on January 26, 2010. Under the current briefing
26 schedule, Federal Defendants' and Defendant-Intervenors Oppositions to Plaintiffs' PI Motion
27 are due February 10, 2010.

28 3. On February 4, 2010, the Court approved the parties' joint motion to enlarge page

1 limits, which permitted Plaintiffs to file an opening brief in support of their PI Motion that was
2 22 pages in length, and allowed Federal Defendants and Defendant-Intervenors to file
3 Opposition to the PI Motion that are 22 pages in length. Dkt. No. 228. The parties did not jointly
4 move, and the Court did not address, the issue of an enlargement of page limits for Plaintiffs'
5 Reply.

6 4. On February 5-6, 2010, the Washington, D.C. metropolitan area experienced a
7 record-breaking amount of snowfall. As a consequence of the severely adverse weather
8 conditions, the Federal Government in the D.C. area was closed on February 8-9, 2010. A
9 subsequent snowstorm is anticipated to begin on February 9, 2010. Because the Federal
10 Government has been closed for two business days and because individual Federal Government
11 personnel lack sufficient resources outside of their offices to finalize documents needed for
12 Federal Defendants' Opposition to PI Motion, Federal Defendants require additional time
13 beyond the February 10, 2010 deadline to respond to the PI Motion.

14 5. Defendant-Intervenors expect to file their Opposition to Plaintiffs' PI Motion by
15 February 10, 2010.

16 6. Beyond the extension of the due dates for briefs set forth in this Stipulation, the
17 parties do not believe the requested time modification would otherwise affect the schedule for
18 this case.

19 7. Pursuant to Local Rule 6-2(a)(2), the parties state that the following time
20 modifications have occurred in this case:

- 21 • On August 4, 2008, the Court continued the hearing date on Plaintiffs' motion
22 for summary judgment pursuant to Defendants' motion, and continued the
23 date for submission of the case management statement, and the date for the
24 case management conference pursuant to stipulation of the parties.
- 25 • On June 5, 2008, the Court continued the case management conference to
26 August 8, 2008, *sua sponte*.
- 27 • On November 3, 2008, pursuant to the parties' joint status report, the Court set
28 the hearing on Plaintiffs' Plaintiffs' summary judgment motion for April 3,
2009, and ordered the briefing therefore.
- On March 18, 2009, the Court continued the hearing on the parties' cross-
motions for summary judgment to April 10, 2009 *sua sponte*.

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- On March 20, 2009, pursuant to the parties’ joint stipulation, the Court continued the hearing on the parties’ cross-motions for summary judgment to May 22, 2009. On May 20, 2009, the Court vacated the hearing.
- On January 26, 2010, the Court approved the parties’ stipulation to revise the deadlines in the Briefing Order for the parties’ briefing on Plaintiffs’ PI Motion.

For the foregoing reasons, the parties stipulate that the Federal Defendants’ Opposition to the PI Motion shall be submitted by February 12, 2010, and that Plaintiffs’ Reply in support of the PI Motion shall be submitted by February 19, 2010. The remaining deadlines approved by the Court on January 26, 2010 (Dkt. No. 226) shall remain in place. The parties further stipulate that Plaintiffs shall have up to twenty-five (25) pages for their consolidated Reply in support of the PI Motion.

Dated: February 9, 2010

Respectfully submitted,

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 Center for Food Safety, *et al.*,

5 Plaintiffs,

6 v.

7 Thomas J. Vilsack, *et al.*,

8 Defendants.

CASE NO. C-08-0484 JSW

9 **~~PROPOSED~~ ORDER GRANTING REQUESTED MODIFICATION**
10 **OF BRIEFING SCHEDULE AND PAGE LIMITS ON**
11 **PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

12 The Court has reviewed the parties' Stipulation Regarding Briefing On Plaintiffs' Motion
13 For Preliminary Injunction (the "Stipulation"). Upon consideration of the Stipulation, the Court
14 hereby GRANTS the requested modification of time for briefing on Plaintiffs' Motion for
15 Preliminary Injunction sought in the Stipulation, as follows:

- 16 1. Intervenor-Defendants' Opposition to Plaintiffs' Motion for Preliminary
17 Injunction shall be submitted by February 10, 2010.
- 18 2. Federal Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction
19 shall be submitted by February 12, 2010: by 4:00 p.m.
- 20 3. Plaintiffs' Consolidated Reply to Federal Defendants' and Intervenor-Defendants'
21 Oppositions to Plaintiffs' Motion for Preliminary Injunction shall be submitted by
22 February 19, 2010: by 4:00 p.m.
- 23 4. Plaintiffs shall have up to twenty-five (25) pages for their Consolidated Reply to
24 Federal Defendants' and Intervenor-Defendants' Oppositions to Plaintiffs'
25 Motion for Preliminary Injunction.
- 26 5. No further depositions shall occur prior to February 22, 2010, other than those
27 depositions already noticed.
- 28 6. Hearing on Plaintiffs' Motion for Preliminary Injunction shall remain set for

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March 5, 2010.

IT IS SO ORDERED.

Dated: February 10, 2010


Honorable Jeffrey S. White