

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

CENTER FOR FOOD SAFETY, et al.

Plaintiffs,

No. C 08-00484 JSW

v.

CHARLES CONNOR, et al.

Defendants.

**ORDER DENYING PLAINTIFFS’
ADMINISTRATIVE MOTION TO
REINSTATE ORIGINAL
HEARING DATE**

Now before the Court is the administrative motion filed by Plaintiffs to reinstate the original hearing date on permanent injunctive relief. The Court has reviewed Plaintiffs’ motion and Defendant’ opposition and HEREBY DENIES Plaintiffs’ motion. Although the Court is cognizant of Plaintiffs’ concern about delaying any requested injunction, Plaintiffs rely heavily on *Geertson Farms Inc. v. Johanns*, 2007 WL 776146 (N.D. Cal. March 12, 2007). The Supreme Court issued its ruling in that case just three days ago. The Court shall carefully and thoroughly address the impact of the Supreme Court’s ruling and shall do so by considering the parties reasoned arguments.

However, in light of Defendants’ response to Plaintiffs’ motion, the Court cautions Defendants’ counsel to not put vigorously advocating for their clients ahead of accurately construing legal authority. Defendants argue that the Supreme Court held that “the lower courts erred in halting planting of Roundup Ready alfalfa rather than entering the agency’s narrowly-tailored, proposed interim measures on continued planting... .” (Opp. at 2.) The Supreme Court actually stated was: “The District Court may well have acted within its discretion in refusing to

1 craft a judicial remedy that would have *authorized* the continued planting and harvesting of
2 [Roundup Ready alfalfa] while the EIS is being prepared.” *Monsanto Co. v. Geertson Seed*
3 *Farms*, __ S.Ct. __, 2010 WL 2471057, *13 (U.S. June 21, 2010).

4 In addressing the recent ruling in *Monsanto*, the Court would like the parties to address
5 the Supreme Court’s statement that: “we do know that the vacatur of APHIS’s deregulation
6 decision means that virtually no [Roundup Ready alfalfa] can be grown or sold until such time
7 as a new deregulation decision is in place,” *Id.* at 15.

8 **IT IS SO ORDERED.**

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: June 24, 2010



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE