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

CENTER FOR FOOD SAFETY, et al.,

Plaintiffs,

No. C 10-04038 JSW

v.

THOMAS J. VILSACK, et al.,

Defendants.

**ORDER REQUIRING
SUPPLEMENTAL
EXPLANATION**

Plaintiffs filed a proposed preliminary injunction providing that the stecklings be destroyed and that SESVanderHave USA, Inc., who is not a party and has not appeared in this matter, be ordered directly to comply with the Court’s injunction. First, in these proceedings, Plaintiffs appear to have asked the Court to have the stecklings removed from the ground. To the extent Plaintiffs now seek to have the Court order that the stecklings be destroyed, Plaintiffs are directed to show specifically where in the record they made clear that their requested injunction included the destruction of the stecklings. Second, Plaintiffs are directed to provide authority demonstrating that this Court has the power to order SESVanderHave USA, Inc. directly to take action. If there is no authority on point, Plaintiffs shall explain how this injunction should be enforced with respect to the stecklings planted under SESVanderHave USA, Inc.’s permit. Finally, due to the notice of appeal already filed in this matter, it is not clear that the Court retains jurisdiction to take any further action unless and until the Ninth

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Circuit rules on the appeal. Plaintiffs should address this point as well. Plaintiffs response to this Order shall be filed by no later than 4:00 p.m. on December 3, 2010.

IT IS SO ORDERED.

Dated: December 2, 2010



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE