

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 10-04038 JSW

v.

**ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

THOMAS J. VILSACK, et al.,

Defendants.

This matter is set for case management conference on January 21, 2011. On December 21, 2010, the Court of Appeals issued an order staying this Court's preliminary injunction order until February 28, 2011, or further order of the Court of Appeals, whichever occurs earlier. (Doc. No. 246.) In their joint case management conference statement, the parties represent that oral argument before the Ninth Circuit on the appeal from this Court is set for February 15, 2011.


In their joint statement, the parties do not propose any briefing schedule. The parties disagree whether the action should be stayed pending appeal, with Plaintiffs asking to proceed with briefing on the merits of their claims, or at least require briefing on whether to stay these proceedings pending appeal. At this time, the Court determines that requiring the parties to submit briefs on a noticed motion to stay may be a futile exercise and an inefficient use of judicial resources because the Ninth Circuit may issue a ruling on the appeal before the Court holds a hearing on any motion to stay in these proceedings.

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 interests of judicial economy and conservation of the parties' time and resources, the Court hereby continues the case management conference to April 1, 2011, to set a briefing schedule on cross-motions for summary judgment. If the Ninth Circuit has not issued a decision on the appeal by the deadline for the joint CMC statement, March 25, 2011, the parties may file on that date simultaneous briefs on whether to stay these proceedings pending appeal. The briefs may not exceed 10 pages in length, and no opposition briefs will be permitted.

IT IS SO ORDERED.

Dated: January 19, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE