

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

See signature page for the complete list of counsel and parties represented.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CENTER FOR FOOD SAFETY, BEYOND )  
PESTICIDES, CORNUCOPIA INSTITUTE, )  
CALIFORNIA FARMERS UNION, )  
DAKOTA RESOURCES COUNCIL, )  
GEERTSON SEED FARMS, NATIONAL )  
FAMILY FARM COALITION, )  
NORTHEAST ORGANIC DAIRY )  
PRODUCERS ALLIANCE, SIERRA CLUB, )  
TRASK FAMILY SEEDS, and WESTERN )  
ORGANIZATION OF RESOURCE )  
COUNCILS, )

Plaintiffs,

v.

THOMAS VILSACK, Secretary of )  
Agriculture, and DR. GREGORY PARHAM, )  
Administrator of the Animal and Plant Health )  
Inspection Service, )

Defendants.

Case No.: 3:11-cv-01310-SC  
The Honorable Samuel Conti

**STIPULATED REQUEST FOR ORDER  
CHANGING TIME AND SUPPORTING  
JOINT DECLARATION**

Pursuant to LR 6-2 and 7-12, the parties hereby file this stipulated request to slightly modify the summary judgment briefing schedule for this case. In support of this request, the parties hereby jointly declare the following:

1  
2 1. Pursuant to a stipulated request for extension of the briefing schedule by the parties, on  
3 September 13, 2011, the Court ordered that the parties submit motions for summary judgment on  
4 September 22, 2011, oppositions on October 22, 2011, and reply briefs on November 9, 2011.  
5 Dkt. 100.

6 2. The current due date for oppositions, October 22, 2011, is a Saturday. The parties had  
7 not intended to request that opposition briefs be due over the weekend. Accordingly, the parties  
8 respectfully request that the Court extend the due date for opposition briefs to the following  
9 Monday, October 24, 2011.

10 3. The requested modification in the briefing schedule will not affect any other date for the  
11 case. The parties do not request any change to the November 9, 2011 due date for reply briefs.  
12 The schedule as modified by this stipulation will continue to provide for completion of briefing  
13 prior to the date for oral argument on December 2, 2011.

14 DATED this 12th day of October, 2011.

15 Respectfully submitted,

16 IGNACIA S. MORENO  
17 Assistant Attorney General  
18 Environment and Natural Resources Division

19 By: /s/ Clifford E. Stevens, Jr.  
20 PAUL D. BARKER, JR.  
21 CLIFFORD E. STEVENS, JR.  
22 Trial Attorneys, U.S. Department of Justice  
23 Environment & Natural Resources Division  
24 Natural Resources Section  
25 Wildlife & Marine Resources Section  
26 P.O. Box 663  
27 Washington, D.C. 20044-0663  
28 Paul.Barker@usdoj.gov  
(202) 305-0434  
Clifford.Stevens@usdoj.gov  
(202) 353-7548

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

TONY WEST  
Assistant Attorney General  
JOHN R. GRIFFITHS  
Assistant Director, Federal Programs Branch  
BRYAN DEARINGER  
ERIC WOMACK  
Trial Attorneys, U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave., N.W., Room 7334  
Washington, D.C. 20001  
Telephone: (202) 514-3489  
Facsimile: (202) 616-8470  
Bryan.Dearinger@usdoj.gov  
Eric.Womack@usdoj.gov

Attorneys for Federal Defendants

By: /s/ George A. Kimbrell  
GEORGE A. KIMBRELL (Pro Hac Vice)  
PAIGE M. TOMASELLI State Bar No. 237737  
KATERYNA L. RAKOWSKY State Bar No.  
246248  
Center for Food Safety  
2601 Mission Street, Suite 803  
San Francisco, CA94110  
T: (415) 826-2770 / F: (415) 826-0507  
Email: gkimbrell@icta.org  
ptomaselli@icta.org  
kateryna@icta.org

PAUL H. ACHITOFF (Pro Hac Vice)  
Earthjustice  
223 South King Street, Suite 400  
Honolulu, Hawai'i 96813  
T: (808) 599-2436 / F: (808) 521-6841  
Email: achitoff@earthjustice.org

Attorneys for Plaintiffs

By: /s/ Phillip Jonathan Perry  
PHILLIP JONATHAN PERRY  
CLAUDIA M. O'BRIEN (Pro Hac Vice)  
JANICE M. SCHNEIDER (Pro Hac Vice)  
Latham & Watkins LLP

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

555 11th Street, N.W.  
Suite 1000  
Washington, DC 20004  
202-637-2200  
Fax: 202-637-2201  
Email: phil.perry@lw.com  
Email: claudia.o'brien@lw.com  
Email: janice.schneider@lw.com

PATRICK JOHN FERGUSON  
Latham & Watkins LLP  
505 Montgomery Street  
Suite 2000  
San Francisco, CA 94111-6538  
415-391-0600  
Fax: 415-395-8095  
Email: patrick.ferguson@lw.com

Attorneys for Defendant-Intervenor Monsanto  
Company

By: /s/ B. Andrew Brown  
B. ANDREW BROWN (Pro Hac Vice)  
Dorsey & Whitney LLP  
50 South Sixth Street, Suite 1500  
Minneapolis, MN 55402-1498  
(612) 340-5612  
Fax: (612) 340-8800  
Email: brown.andrew@dorsey.com

MARTHA CORCORAN LUEMERS  
Dorsey & Whitney LLP  
305 Lytton Avenue  
Palo Alto, CA 94301  
(650) 857-1717  
Fax: (650) 857-1288  
Email: eFilingPA@dorsey.com

Attorneys for Defendant-Intervenors Forage  
Genetics International LLC, John Grover, Daniel  
Mederos, Dan Scheps, Carl Simmons, Mark Watte,  
California Alfalfa and Forage Association, Gardena  
Alfalfa Seed Growers Association, Midwest Forage  
Association, and Eureka Seeds, Inc.

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

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of October, 2011, I filed a copy of this document electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means as reflected on the Notice of Electronic Filing.

/s/ Clifford E. Stevens, Jr.  
Clifford E. Stevens, Jr.

1  
2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
4 SAN FRANCISCO DIVISION

5 CENTER FOR FOOD SAFETY, BEYOND )  
6 PESTICIDES, CORNUCOPIA INSTITUTE, )  
7 CALIFORNIA FARMERS UNION, )  
8 DAKOTA RESOURCES COUNCIL, )  
9 GEERTSON SEED FARMS, NATIONAL )  
10 FAMILY FARM COALITION, )  
11 NORTHEAST ORGANIC DAIRY )  
12 PRODUCERS ALLIANCE, SIERRA CLUB, )  
13 TRASK FAMILY SEEDS, and WESTERN )  
14 ORGANIZATION OF RESOURCE )  
15 COUNCILS, )

16 Plaintiffs,

17 v.

18 THOMAS VILSACK, Secretary of )  
19 Agriculture, and DR. GREGORY PARHAM, )  
20 Administrator of the Animal and Plant Health )  
21 Inspection Service, )

22 Defendants.

Case No.: 3:11-cv-01310-SC  
The Honorable Samuel Conti

**[PROPOSED] ORDER FOR  
STIPULATED REQUEST FOR ORDER  
CHANGING TIME AND SUPPORTING  
JOINT DECLARATION**

23 PURSUANT TO STIPULATION, IT IS ORDERED that opposition briefs to the motions  
24 for summary judgment in the above-referenced case are due on October 24, 2011.

25 DATED: 10/14/11

26 Honorable Samuel Conti  
27 United States District Court  
28 Northern District of California

