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

20 COMPASSION OVER KILLING et al.,)

21 Plaintiffs,)

22 v.)

23 FOOD AND DRUG ADMINISTRATION et)
24 al.,)

25 Defendants.)

CASE NO. 3:13-CV-01385-VC

**JOINT MOTION FOR LEAVE TO
EXCEED PAGE LIMIT IN CROSS-
BRIEFING FOR SUMMARY
JUDGMENT**

26 Defendants the Food and Drug Administration and the Honorable Margaret Hamburg,
27 M.D., its Commissioner; the Agriculture Marketing Service and the Honorable David R.
28 Shipman, its Administrator; the Food Safety Inspection Service and the Honorable Alfred V.
Almanza, its Administrator; and the Federal Trade Commission and the Honorable Edith
Ramirez, its Chairman (collectively, "Defendants"), along with Plaintiffs Compassion Over

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1 Killing, Animal Legal Defense Fund, Elizabeth Barrett, Andrea Bock, Linda Calbreath, Jason
2 Canada, Jeri Opalk, and Humberto Retana (collectively, “Plaintiffs”) by and through their
3 counsel of record, file this Joint Motion for Leave to Exceed Page Limit in Cross-Briefing for
4 Summary Judgment, and in support thereof state as follows:

5 1. This Honorable Court’s Standing Order for Civil Cases requires that, in the event
6 of cross-motions for summary judgment, the parties must file a total of four briefs sequentially,
7 with the first two briefs limited to 25 pages, the third brief limited to 20 pages, and the fourth
8 brief limited to 15 pages.

9 2. Plaintiffs filed a Motion for Summary Judgment on July 23, 2014. (Doc. 35)
10 Defendants’ opposition and cross-motion for summary judgment is due August 27, 2014.

11 3. In this action, Plaintiffs challenge the denial of four separate citizen petitions
12 requesting the initiation of rulemaking proceedings by three separate defendant federal agencies:
13 the Food and Drug Administration; the Federal Trade Commission; and the Agriculture
14 Marketing Service and Food Safety Inspection Service within the United States Department of
15 Agriculture. While each of the petitions requested promulgation of the same new regulations,
16 each federal agency analyzed the petition with regard to the specific statutes enforced by that
17 agency. Each agency’s actions in denying Plaintiffs’ citizen petition therefore require an
18 independent legal analysis under the Administrative Procedures Act.

19 4. For purposes of efficiency, all Defendants intend to file one consolidated brief in
20 support of summary judgment and in opposition to Plaintiffs’ motion. However, in order to
21 substantively address each agency’s denial of Plaintiffs’ citizen petitions and the legality of each
22 agency’s actions under the Administrative Procedures Act, Defendants require more than 25
23 pages for their consolidated brief.

24 5. Defendants request leave of this Court to file one, consolidated brief on behalf of
25 all Defendants, which shall not exceed 40 pages.

26 6. Correspondingly, Plaintiffs request leave of this Court to file a reply/opposition
27 brief limited to 35 pages.

~~PROPOSED~~ ORDER

Having reviewed the parties' Joint Motion for Leave to Exceed Page Limit in Cross-Briefing for Summary Judgment, and for good cause shown,

IT IS HEREBY ORDERED:

The parties' joint motion is **GRANTED**. Defendants' opening/opposition brief is limited to 40 pages. Plaintiffs' opposition/reply is limited to 35 pages. Defendants' reply is limited to 20 pages.

ENTERED this 25th day of August, 2014.

DATED: August 25, 2014



HON. VINCE CHHABRIA
United States District Judge