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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COMPASSION OVER KILLING et al.,)
)
Plaintiffs,)
)
v.)
)
FOOD AND DRUG ADMINISTRATION et)
al.,)
)
Defendants.)

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

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER TO CONTINUE
HEARING ON CROSS-MOTIONS FOR
SUMMARY JUDGMENT**

Pursuant to Civil Local Rules 6-2 and 7-12 and this Court's Standing Order,
Defendants the Food and Drug Administration and the Honorable Margaret Hamburg, M.D., its
Commissioner; the Agriculture Marketing Service and the Honorable David R. 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

JOINT STIPULATION TO CONTINUE HEARING ON CROSS-MOTIONS FOR SUMMARY JUDGMENT
3:13-cv-01385-VC

1 Chairman (collectively, “Defendants”), along with Plaintiffs Compassion Over Killing, Animal
2 Legal Defense Fund, Elizabeth Barrett, Andrea Bock, Linda Calbreath, Jason Canada, Jeri
3 Opalk, and Humberto Retana (collectively, “Plaintiffs”) by and through their counsel of record,
4 hereby stipulate as follows:

5 1. On July 23, 2014, Plaintiffs filed their Motion for Summary Judgment (Doc. 35)
6 and noticed a hearing for December 4, 2014 at 10:00 a.m. On August 27, 2014, Defendants filed
7 a Cross-Motion for Summary Judgment (Doc. 40) and noticed the same hearing date.

8 2. Under the Court’s Order setting a briefing schedule for cross-motions for
9 summary judgment, Defendants’ reply brief shall be filed on or before October 27, 2014. On or
10 before November 14, 2014, the parties shall file a joint appendix, containing the portions of the
11 administrative record relied on by either party.

12 3. Lead counsel for Defendants, Ann F. Entwistle, was recently granted the
13 opportunity to attend professional training from December 2-4, 2014. Additionally, counsel for
14 the Federal Trade Commission was ordered on October 1, 2014 to file an appellate brief with the
15 Court of Appeals for the District of Columbia Circuit on December 10, 2014. This obligation
16 would prevent her from travelling to California for the noticed hearing on December 4, 2014.

17 4. The parties met and conferred and agreed to a brief, one week extension of the
18 hearing date on cross-motions for summary judgment.

19 5. The parties request that the Court continue the December 4 hearing date one week
20 to December 11, 2014.

21 6. The parties have not requested any previous extensions or modifications of the
22 dispositive motion briefing schedule entered by the Court on April 5, 2014. The parties
23 previously requested and received a stay of the case to allow the Food and Drug Administration
24 to review and respond to Plaintiffs’ citizen petition, in order to significantly narrow and resolve
25 some of the issues in this case.

26 7. The requested modification will have no effect on any other date in the schedule
27 for the above-captioned case.

1 For all the foregoing reasons, the parties respectfully request that this Court continue the
2 hearing on the parties' cross-motions for summary judgment one week, to December 11, 2014.

3 DATED: October 14, 2014

Respectfully submitted,

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5 By: STUART DELERY
Assistant Attorney General, Civil Division

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7 MICHAEL S. BLUME
Director, Consumer Protection Branch

8
9 /s/ Ann Entwistle
ANN ENTWISTLE
Trial Attorney, Consumer Protection Branch
10 On behalf of Defendants

11 By: /s/ Jennifer S. Rosen
12 Jennifer S. Rosen
BINGHAM MCCUTCHEN LLP
13 Jennifer S. Rosen
14 On behalf of Plaintiffs

1 **[PROPOSED] ORDER**

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3 Having reviewed the parties' Joint Stipulation to Continue Hearing on Cross-Motions for
4 Summary Judgment, and for good cause shown,

5 **PURSUANT TO STIPULATION, IT IS SO ORDERED** that the hearing on the parties
6 cross-motions for summary judgment (Dkt. Nos. 35, 40), scheduled to take place on December 4,
7 2014, is hereby continued to December 11, 2014 at 10:00 a.m. in Courtroom 4 on the 17th floor
8 of the United States District Court for the Northern District of California, located at 450 Golden
9 Gate Avenue, San Francisco, California 94102.

10 ENTERED this 15th day of October, 2014.

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15 DATED: October 15, 2014

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18 HON. VINCE CHHABRIA
19 United States District Judge
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