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 12 **UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
 13 **SAN FRANCISCO DIVISION**

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 15 CENTER FOR FOOD SAFETY *et al.*,

16 Plaintiffs,

17 v.

18 TOM VILSACK, in his official capacity as
 19 Secretary of the U.S. Department of
 20 Agriculture *et al.*,

21 Defendants.

No. 3:15-cv-01590-HSG

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**STIPULATION AND ORDER TO SET
 BRIEFING SCHEDULE FOR
 DEFENDANTS' MOTION TO DISMISS
 AMENDED COMPLAINT**

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STIPULATION

Pursuant to Civil Local Rule 6-1(a), Plaintiffs, Center for Food Safety, Beyond Pesticides, Equal Exchange, Food & Water Watch, La Montanita Co-op, Organic Seed Growers and Trade Association, The Cornucopia Institute, Northeast Organic Dairy Producers Alliance, PCC Natural Markets, Greensward/New Natives LLC, Frey Vineyards, Ltd., Organic Consumers Association, Maine Organic Farmers and Gardeners Association, and Ohio Ecological Food and Farm Association, and Defendants, Tom Vilsack, Secretary of the U.S. Department of Agriculture; Anne Alonzo, Administrator of the Agricultural Marketing Service; and Miles McEvoy, Deputy Administrator of the National Organic Program, all sued solely in their official capacities, through their respective undersigned counsel, stipulate and agree as follows:

1. On April 7, 2015, Plaintiffs filed a Complaint in this Court asserting two causes of action against Defendants. ECF No. 1. In response, Defendants filed a Motion to Dismiss, ECF No. 16. Following briefing and a motion hearing pursuant to a stipulated briefing schedule, *see* ECF No. 12, the Court on October 9, 2015 entered an Order Granting the Motion to Dismiss with leave to file an Amended Complaint. ECF No. 49. On October 30, 2015, Plaintiffs filed their Amended Complaint. ECF No. 50. Defendants anticipate that, in response to Plaintiffs' Amended Complaint, they may file a dispositive Motion to Dismiss pursuant to Rule 12(b).

2. Counsel for the parties have conferred and, consistent with the Commentary to Local Rule 7-2, wish to stipulate to the below briefing schedule for Defendants' anticipated Motion to Dismiss:

- **December 10, 2015:** Defendants' deadline to file Motion to Dismiss or Answer to Amended Complaint.
- **January 21, 2016:** Plaintiffs' deadline to file Opposition to Motion.

- **February 4, 2016:** Defendants' deadline to file Reply in Support of Motion.
- **February 18, 2016 or as soon as feasible thereafter:** Hearing on Motion at a time convenient to the Court.

3. The reasons for the requested additional time for the parties' briefing are the need to address thoroughly those issues presented by Plaintiffs' Amended Complaint in any motion briefing, as well as existing commitments in the schedules of counsel for Plaintiffs and Defendants.

4. Pursuant to Local Rule 6-2(a), undersigned counsel for Defendants has filed a declaration in support of this stipulation.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, subject to the Court's approval, that the above briefing schedule shall govern any Motion to Dismiss filed by Defendants in response to the Amended Complaint.

Dated: November 5, 2015.

Respectfully submitted,

/s/ Sylvia Shih-Yau Wu
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Counsel for Plaintiffs

Dated: November 5, 2015.

U.S. DEPARTMENT OF JUSTICE

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/s/ Andrew Zee
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Attorney
Civil Division, Federal Programs Branch
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Attorneys for Defendants

ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest that I am the ECF user whose user ID and password are being used in the electronic filing of this document, and further attest that I have obtained the concurrence in the filing of the document from the other signatory.

/s/ Andrew Zee
M. ANDREW ZEE (CA Bar #272510)

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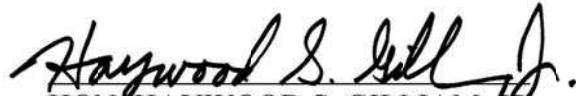
ORDER

Upon stipulation of the parties, and good cause appearing, the Court hereby orders the following schedule for Defendants' anticipated Motion to Dismiss in response to the Amended Complaint:

- **December 10, 2015:** Defendants' deadline to file Motion to Dismiss or Answer to Amended Complaint.
- **January 21, 2016:** Plaintiffs' deadline to file Opposition to Motion.
- **February 4, 2016:** Defendants' deadline to file Reply in Support of Motion.
- **February 18, 2016 at 2:00 p.m.:** Hearing on Motion.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 9, 2015


HON. HAYWOOD S. GILLIAM, JR.
United States District Court Judge

