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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JEFF ANDERSON; BRET ADEE; DAVID
HACKENBERG; LUCAS CRISWELL;
GAIL FULLER; CENTER FOR FOOD
SAFETY; AMERICAN BIRD
CONSERVANCY; PESTICIDE ACTION
NETWORK NORTH AMERICA;
POLLINATOR STEWARDSHIP
COUNCIL,

No. C 16-00068 WHA

**ORDER RE MOTION FOR
CLARIFICATION**

Plaintiffs,

v.

GINA MCCARTHY; ENVIRONMENTAL
PROTECTION AGENCY,

Defendants.

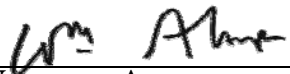
Defendants have made a motion for “clarification” regarding the order denying dismissal. Putting aside the procedural propriety of such a motion, defendants raise a fair point, namely that the Court’s order on the motion to dismiss failed to expressly come to grips with that part of the motion directed at the “failure to act” claim for relief. Instead, the order dealt principally with the “final agency action” issue. Nevertheless, the parties are directed to address all of the issues in the upcoming summary judgment motion. If an error was committed by the

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Judge, no harm will be done in postponing resolution of that issue until summary judgment is vacated. The hearing on the motion for clarification is vacated.

IT IS SO ORDERED.

Dated: July 14, 2016.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE