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

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15 CENTER FOR FOOD SAFETY *et al.*,

16 Plaintiffs,

17 v.

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

21 Defendants.

No. 4:15-cv-01590-HSG

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**STIPULATION AND ORDER TO SET  
HEARING DATE ON CROSS-MOTIONS  
FOR SUMMARY JUDGMENT**

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**STIPULATION**

Pursuant to the Court's Order of July 11, 2017 [ECF No. 91], 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, Sonny Perdue, Secretary of the U.S. Department of Agriculture; Bruce Summers, Acting 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 July 11, 2017, counsel for the parties conferred regarding a hearing date for the parties' planned cross-motions for summary judgment. The parties agreed to, and respectfully propose, a hearing date of November 9, 2017, at 2:00 p.m., which is not presently listed as an unavailable date on the Court's online calendar.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, subject to the Court's approval, that the hearing on the parties' planned cross-motions for summary judgment be held on November 9, 2017 at 2:00 p.m.

Dated: July 13, 2017.

Respectfully submitted,

/s/ Sylvia Shih-Yau Wu  
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*Counsel for Plaintiffs*

Dated: July 13, 2017.

U.S. DEPARTMENT OF JUSTICE

CHAD A. READLER  
Acting Assistant Attorney General  
ERIC R. WOMACK  
Assistant Branch Director

/s/ Andrew Zee  
M. ANDREW ZEE (CA Bar No. 272510)  
Attorney  
Civil Division, Federal Programs Branch  
U.S. Department of Justice

*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)

## ORDER

Upon stipulation of the parties, and good cause appearing, the Court hereby sets the hearing date on the parties' planned cross-motions for summary judgment for November 9, 2017 at 2:00 p.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 14, 2017

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