

FILED

SEP - 8 2008

Clerk, U.S. District and
Bankruptcy Courts

**BEFORE THE UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

**Farm-to-Consumer
Legal Defense Fund, et al.**

Plaintiffs

v.

**U.S. Department of Agriculture
Ed Schafer, Secretary, et al.**

Defendants

Case: 1:08-cv-01546
Assigned To : Collyer, Rosemary M.
Assign. Date : 9/8/2008
Description: Admn. Agency Review

PLAINTIFFS MOTION TO ACCEPT FILING OF COMPLAINT NUNC PRO TUNC

Plaintiffs move the Court for an Order accepting its complaint for filing *nunc pro tunc* to date from July 18, 2008.

LCvR 5.1(e)(2) provides, in part, for the following: "By signing a pleading or paper that is presented to the Court, an attorney is certifying that the attorney, and all other attorneys appearing with the attorney on the pleading or paper, are members of, or have a pending application for admission to, the Bar of this Court"

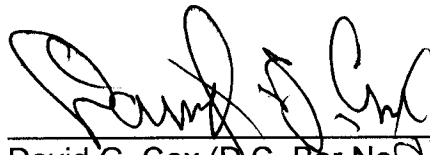
On July 14, 2008, counsel for Plaintiffs submitted via overnight mail a complaint for filing in this matter along with Summons addressed to the United States Attorney General, the Secretary of Agriculture, and the Director of the Michigan Department of Agriculture. Counsel for Plaintiffs also included within that mailing an Application for Admission to the District of Columbia Bar. See Exhibit A attached hereto.

Consequently, at the time of the submission of the complaint, an application for admission was pending with the Court. Therefore, the Clerk's office should have received the complaint for filing at that time.

Accordingly, Plaintiffs move the Court to accept *nunc pro tunc* Plaintiffs' complaint as having been filed on July 18, 2008.

Respectfully submitted,

LANE, ALTON & HORST LLC



David G. Cox (D.C. Bar No. OH 0020) ✓

Two Miranova Place

Suite 500

Columbus, OH 43215-7052

dcox@lanealton.com

Phone: 614-228-6885

Fax: 614-228-0146

Counsel for Plaintiffs

Lane
Alton
Horst LLC
Attorneys at Law

TWO MIRANOVA PLACE
SUITE 500
COLUMBUS, OH 43215

TELE: 614-228-6885
FAX: 614-228-0146
www.lanealton.com

Direct Line: (614) 233-4850
E-Mail: dcox@lanealton.com

COLLIS GUNDY LANE (1904-1987)
THEODORE L. HORST (1908-2000)

JACK R. ALTON (RETIRED)
MARY BARLEY-McBRIDE
BELINDA S. BARNES
JOSHUA R. BILLS
MARY ELLEN CORNA*
DAVID G. COX
SCOTT A. FENTON
MELISSA M. FERGUSON
JENIFER A. FRENCH
CURTIS F. GANTZ

JOSEPH A. GERLING
CHAD K. HEMMINGER
EDWARD G. HUBBARD
JEFFREY W. HUTSON
THOMAS J. KEENER
MICHAEL J. KELLEY
RICK E. MARSH
THEODORE M. MUNSELL
RAY S. PANTLE
CHRISTOPHER R. PETTIT
GREGORY D. RANKIN
TERI G. RASMUSSEN
JAMES K. REUSS

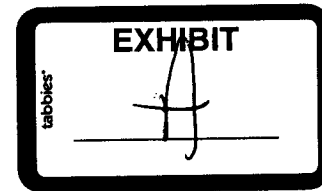
KIM M. SCHELLHAAS
DOUGLAS J. SCHOCKMAN
CLAUDIA L. SPRIGGS
THOMAS E. SWITZER
MONICA L. WALLER
STEPHEN B. YURIK

COUNSEL TO THE FIRM
JAMES W. LEWIS
ALAN WAYNE SHEPPARD**

* Certified Specialist in
Labor & Employment Law
** Certified Civil Trial Advocate

July 14, 2008

Ms. Nancy Mayer-Whittington
Clerk of Court
Clerk's Office
United States District Court
for the District of Columbia
333 Constitution Avenue, N.W.
Washington, DC 20001



Re: *Farm-to-Consumer Legal Defense Fund, et al. v. Ed Schafer, Secretary, United States Department of Agriculture, et al.*
Case Number: TBD

Dear Ms. Mayer-Whittington:

Enclosed please find the following in the above-entitled matter:

1. One (1) original and two (2) copies of the Complaint;
2. One (1) original and two (2) copies of the Summons In A Civil Case addressed to Michael B. Mukasey, U.S. Attorney General;
3. One (1) original and two (2) copies of the Summons In A Civil Case addressed to Secretary Ed Schafer, U.S. Dept. of Agriculture;
4. One (1) original and two (2) copies of the Summons In A Civil Case addressed to Director Don Koivisto, Michigan Dept. of Agriculture;
5. A check made out to U.S. District Court Clerk in the amount of \$350.00 in payment of the filing fee for the Complaint;
6. A check made out to U.S. District Court Clerk in the amount of \$175.00 in payment of the admission fee for my admission to the Washington-District of Columbia Bar;

July 14, 2008
Page 2

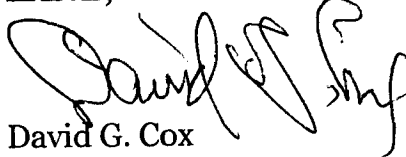
7. One (1) original and two (2) copies of the Civil Cover Sheet; and
8. One (1) original and two (2) copies of the Application for Admission to D.C. Bar.

Kindly file the original Complaint, fill in the bottom of each Summons and serve same, and return one time-stamped copy of the Complaint, each Summons, the Civil Cover Sheet and my Application for Admission to my attention at this office in the enclosed self-addressed stamped envelope.

Thank you for your anticipated courtesy and cooperation.

Very truly yours,

LANE, ALTON & HORST LLC

A handwritten signature in black ink, appearing to read "David G. Cox", written over a printed name.

David G. Cox

DGC/acm
Enclosures