

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

Farm-to-Consumer Legal Defense Fund, et al.	:	Case No. 1:08-cv-01546-RMC
	:	
	:	
Plaintiffs	:	Judge Rosemary M. Collyer
	:	
v.	:	
	:	
U.S. Department of Agriculture, et al.	:	
	:	
Defendants	:	

**PLAINTIFFS' MOTION FOR LEAVE TO FILE SUR-REPLY TO USDA'S
MOTION TO DISMISS FIRST AMENDED COMPLAINT**

Plaintiffs move the Court for leave to file a Sur-Reply to Defendant United States Department of Agriculture's Reply to their motion to dismiss Plaintiffs' first amended complaint. This is a motion pursuant to Fed.R.Civ.Proc. 7(b). Concurrence has been sought but not received. The Sur-Reply will be short, will not delay the case, or cause undue burden or prejudice to any of the parties. The Sur-Reply will serve the Court's interest in efficiency and economy pursuant to Fed.R.Civ.Proc. 1. A memorandum in support is attached hereto and incorporated by reference as if rewritten herein.

Dated: April 29, 2009

Respectfully submitted,

/s/ David G. Cox
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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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