

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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NATURAL RESOURCES DEFENSE COUNCIL,
INC.; CENTER FOR SCIENCE IN THE PUBLIC
INTEREST; FOOD ANIMAL CONCERNS
TRUST; PUBLIC CITIZEN, INC.; and UNION
OF CONCERNED SCIENTISTS, INC.,

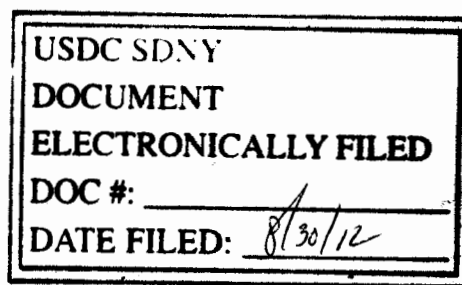
Plaintiff,

-against-

UNITED STATES FOOD AND DRUG
ADMINISTRATION; MARGARET HAMBURG,
in her official capacity as commissioner, United
States Food and Drug Administration; CENTER
FOR VETERINARY MEDICINE; BERNADETTE
DUNHAM, in her official capacity as director,
Center for Veterinary Medicine; UNITED STATES
DEPARTMENT OF HEALTH AND HUMAN
SERVICES; and KATHLEEN SEBELIUS, in her
official capacity as Secretary, United States
Department of Health and Human Services,
Defendant.

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Whereas the above-captioned action having come before this Court, and the matter having come before the Honorable James C. Francis IV, United States Magistrate Judge, and the Court, on August 27, 2012, having rendered its Order directing the Clerk of the Court to enter final judgment in the case as follows; for the reasons stated in the Court's Memorandum Opinion and Order dated March 22, 2012, granting plaintiffs' motion for Summary judgment on their first claim for relief and denying defendants' motion for summary judgment; for the reasons stated in the Court's Memorandum Opinion and Order dated June 1, 2012 granting plaintiffs' motion for summary judgment on their third claim for relief and denying defendants' motion for summary judgment on plaintiffs' supplemental complaint; for the reasons stated in the Court's Memorandum and Order dated August 8, 2012 granting in part plaintiffs' motion to strike (Docket No. 79) and striking



11 CIVIL 3562 (JCF)

JUDGMENT

Document no. 78-6 from the record and denying defendants' motion for a stay pending appeal, or, in the alternative, for an interim stay pending resolution of defendants' planned application for a stay in the second Circuit (Docket no. 92). Defendants are ordered to comply with the Court's order of March 22, 2012, according to the schedule set forth in paragraph 11 through 25 of the Declaration of William T. Flynn dated May 15, 2012 (Docket no. 86), it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Order dated August 27, 2012, plaintiffs' motion for summary judgment on their first claim for relief is granted and defendants' motion for summary judgment is denied; plaintiffs' motion for summary judgment on their third claim for relief is granted and defendants' motion for summary judgment on plaintiffs' first supplemental complaint is denied; plaintiffs' motion to strike (Docket no. 79) is granted in part, and Document no-78-6 is stricken from the record; defendants' motion for a stay pending appeal, or, in the alternative, for an interim stay pending resolution of defendants' planned application for a stay in the Second Circuit (Docket no. 92), is denied. Defendants are ordered to comply with the Court's Order of March 22, 2012, according to the schedule set forth in paragraphs 11 through 25 of the Declaration of William T. Flynn dated May 15, 2012 Docket no. 86). The Court will retain jurisdiction over this matter for the following limited purposes; (1) to hear any motion for compliance with the schedule for withdrawal proceedings ordered by the Court on August 8, 2012; and (2) assuming plaintiffs prevail on appeal, to entertain any motion for attorneys' fees.

Dated: New York, New York
August 30, 2012

RUBY J. KRAJICK

Clerk of Court

BY: _____

Deputy Clerk

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**