

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

ORGANIC TRADE ASSOCIATION,  
444 North Capitol Street, NW, Suite 445A  
Washington, DC 20001,

Plaintiff,

v.

UNITED STATES DEPARTMENT  
OF AGRICULTURE, SONNY PERDUE,  
Secretary of the United States Department of  
Agriculture, and BRUCE SUMMERS,  
Administrator of the Agricultural Marketing  
Service,  
1400 Independence Ave, SW  
Washington DC 20250,

Defendants.

Case No. 1:17-cv-01875-RMC

**JOINT MOTION TO VACATE  
RESPONSE DATE AND ENTER SCHEDULING ORDER**

The parties respectfully move the Court to vacate the November 20, 2017 deadline for defendants to file their response to the complaint and enter a scheduling order governing the filing of an amended complaint and preliminary dispositive motions. In support of the motion, the parties state as follows:

1. Plaintiff filed this case on September 13, 2017, challenging defendants' decision to delay the effective date of the National Organic Program (NOP) Organic Livestock and Poultry Practices final rule ("OLPP rule"), 82 Fed. Reg. 7,042 (Jan. 19, 2017) from March 20, 2017 until May 19, 2017, 82 Fed. Reg. 9,967 (Feb. 9, 2017), and from May 19, 2017 until November 14, 2017, 82 Fed. Reg. 21,677 (May 10, 2017).

2. On November 14, 2017, defendants issued a new final rule delaying the effective date of the OLPP rule until May 14, 2018, 82 Fed. Reg. 52,643 (Nov. 14, 2017).

3. Defendants' response to the complaint is presently due on November 20, 2017.

4. Plaintiff intends to amend its complaint to include a challenge to the November 14 rule.

5. The parties have conferred and state that, after plaintiff files its amended complaint, plaintiff intends to move for summary judgment on certain issues and defendant intends to move to dismiss. The parties have agreed on a proposed briefing schedule to govern these motions.<sup>1</sup>

6. Accordingly, the parties request that the Court enter an order providing that:

- a. The November 20, 2017 deadline for defendants to file their response to the complaint is vacated.
- b. Plaintiff's amended complaint is due on or before December 8, 2017.
- c. Defendant's motion to dismiss the complaint and plaintiff's motion for summary judgment are due on or before January 15, 2018.
- d. Opposition briefs are due on or before February 5, 2017.
- e. Reply briefs are due on or before February 19, 2017.

Dated: November 16, 2017

Respectfully Submitted,

CHAD A. READLER  
Acting Assistant Attorney General

ERIC R. WOMACK  
Assistant Director, Federal Programs Branch

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<sup>1</sup> Plaintiff represents that its motion for summary judgment will focus on legal issues and therefore will not require the compilation of a full administrative record. By agreeing to this briefing schedule, neither party waives its right to assert that the filing of a full administrative record, or material appropriate for judicial notice, is necessary to resolve the case.

/s/ Serena M. Orloff

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*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 16, 2017, I caused the foregoing document to be served on counsel for plaintiff by filing with the court's electronic case filing system.

/s/ Serena M. Orloff  
SERENA M. ORLOFF

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Case No. 1:17-cv-01875-RMC

**PROPOSED ORDER**

Upon consideration of the parties' Joint Motion to Vacate Response Date and Enter Scheduling Order, it is:

**HEREBY ORDERED**, that the November 20, 2017 deadline for defendants to file their answer is vacated.

It is **FURTHER ORDERED**, that plaintiff's amended complaint is due by December 8, 2017; defendants' motion to dismiss and plaintiff's motion for summary judgment are due by January 15, 2018; opposition briefs are due by February 5, 2017; and reply briefs are due by February 19, 2017.

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Date

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Rosemary M. Collyer  
United States District Judge