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9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 **THE STATE OF MISSOURI, ex rel.,**  
12 **CHRIS KOSTER, Attorney General, et al.,**  
13 Plaintiffs,  
14 v.  
15 **KAMALA D. HARRIS, Attorney General,**  
16 **et al.,**  
17 Defendants.

2:14-CV-00341-KJM-KJN

**JOINT STIPULATION TO AMEND  
PLAINTIFFS’ OPPOSITION TO  
MOTIONS TO DISMISS, TO EXTEND  
DEFENDANTS’ TIME TO REPLY, AND  
TO RESCHEDULE ORAL ARGUMENT**

Courtroom: 3, 15th floor  
Judge: Hon. Kimberly J. Mueller  
Action Filed: 02/03/2014

18 Plaintiffs Missouri, Nebraska, Kentucky, Oklahoma, Alabama, and Governor Branstad  
19 (Plaintiffs); Defendants Attorney General Kamala D. Harris and Secretary Karen Ross  
20 (Defendants); and Proposed Defendant-Intervenor HSUS (HSUS), through their attorneys of  
21 record, stipulate as follows:

22 WHEREAS, Plaintiffs filed their combined Opposition to Defendants’ and HSUS’s  
23 Motions to Dismiss on May 12, 2014, although the Court’s order of April 16, 2014 did not  
24 require Plaintiffs to file an opposition to HSUS’s Motion to Dismiss at that time;

25 WHEREAS, Plaintiffs would like to amend their combined Opposition to Defendants’ and  
26 HSUS’s motions to dismiss;  
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1 WHEREAS, Plaintiffs' Opposition to the Association of California Egg Farmers (ACEF)'s  
2 Motion To Dismiss or for Judgment on the Pleadings is due on May 16, 2014;

3 WHEREAS, the arguments asserted in Plaintiffs' Opposition to ACEF's Proposed Motion  
4 To Dismiss or for Judgment on the Pleadings are substantially similar to the arguments asserted in  
5 Plaintiffs' combined Opposition to Defendants' and HSUS's Motions to Dismiss;

6 WHEREAS, Defendants and HSUS consent to Plaintiffs filing a combined Amended  
7 Opposition to all three pending motions on May 16, 2014;

8 WHEREAS, Plaintiffs consent to extending by four business days Defendants' and HSUS's  
9 deadline to file their replies to Plaintiffs' combined Amended Opposition, up to and including  
10 June 5, 2014;

11 WHEREAS, oral argument on all three motions is currently scheduled for June 6, 2014;

12 WHEREAS, the parties and HSUS would like to reschedule oral argument for August 22,  
13 2014, the next available hearing date when all counsel are available.<sup>1</sup>

14  
15 Therefore, the parties and proposed intervenor HSUS stipulate and agree to the following,  
16 subject to the Court's approval:

17 1. Plaintiffs will file their combined Amended Opposition to Defendants' and Proposed  
18 Intervenor HSUS's Motions to Dismiss and Proposed Intervenor ACEF's Motion To Dismiss or  
19 for Judgment on the Pleadings on May 16, 2014;

20 2. Defendants, and Proposed Intervenors HSUS, and ACEF will file their proposed replies  
21 to Plaintiffs' Amended Opposition on June 5, 2014;

22 3. Oral argument on all three motions, currently set for June 6, will be moved to August  
23 22, 2014, the next available hearing date when all counsel are available.

24 4. The Parties and Proposed Defendant-Intervenor HSUS jointly request that this Court  
25 grant the relief sought by this stipulation.

26 <sup>1</sup> Proposed Intervenor ACEF has indicated that it does not object to Plaintiffs' filing an  
27 amended Opposition to Defendants' and HSUS's motions to dismiss to the extent such relief does  
28 not interfere with the existing stipulated schedule. Proposed Intervenor ACEF opposes moving  
the oral argument to August 22, 2014.

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Dated: May 15, 2014

Respectfully submitted,

/s/ J. Andrew Hirth  
J. ANDREW HIRTH  
Deputy General Counsel  
Office of the Missouri Attorney General  
*Lead Counsel for Plaintiffs*

/s/ Susan K. Smith  
SUSAN K. SMITH  
Deputy Attorney General  
*Attorneys for Attorney General Kamala D.  
Harris and Secretary Karen Ross*

/s/ Bruce A. Wagman  
BRUCE A. WAGMAN  
SCHIFF HARDIN LLP  
*Attorneys for HSUS*

**[PROPOSED] ORDER**

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2 Good cause appearing for the requested extension, as set forth in the foregoing Stipulation,  
3 it is hereby ordered:

4 Plaintiffs will file their combined Amended Opposition to Defendants' and HSUS's  
5 Motions to Dismiss and ACEF's Motion for Judgment on the Pleadings on May 16, 2014;

6 Defendants, and Proposed Intervenors HSUS, and ACEF will file their proposed replies to  
7 Plaintiffs' Amended Opposition on June 5, 2014;

8 Oral argument on all three motions, currently set for June 6, will be moved to August 22,  
9 2014.

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11 **IT IS SO ORDERED.**

12 Dated: \_\_\_\_\_

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13 Honorable Kimberly J. Mueller  
14 United States District Judge  
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