UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

FRONT RANGE EQUINE RESCUE, <i>et al.</i> ,)))
Plaintiffs,)
V.)
TOM VILSACK, Secretary of the U.S. Department of Agriculture, <i>et al.</i> ,))
Federal Defendants,)
VALLEY MEAT COMPANY, LLC, et al.,)))
Defendant-Intervenors.)

Civ. No. 1:13-cv-00639-MCA-RHS

FEDERAL DEFENDANTS' NOTICE OF FORTHCOMING MOTION TO EXPEDITE BRIEFING AND RULING ON THE MERITS IN LIEU OF PRELIMINARY INJUNCTION HEARING

Federal Defendants hereby notify the Court that on Monday, August 26, 2013, Federal Defendants intend to file a motion to expedite a final resolution of this case by expediting briefing on the merits so that the Court will be in a position to enter a final ruling on the merits of Plaintiffs' claims by the first week of October 2013 in lieu of expending more time and resources on Plaintiffs' pending motion for preliminary injunction. Expedited resolution of the merits will reduce the burden and exposure to the Parties as a result of the August 2, 2013 Temporary Restraining Order, both in terms of Defendant-Intervenors' business operations being enjoined and in terms of Plaintiffs' exposure to costs and damages pursuant to the bond requirement of Federal Rule of Civil Procedure 65(c) should it be found that Federal Defendants and Defendant-Intervenors have been wrongfully enjoined or restrained. Federal Defendants' motion to

expedite briefing on the merits will be joined by at least some, if not all, of the Parties. A couple

of the Parties have requested until Monday to consider joining Federal Defendants' motion, and

Federal Defendants would like to honor those requests.

Respectfully submitted this 23rd day of August, 2013.

ROBERT G. DREHER Acting Assistant Attorney General Environment & Natural Resources Division United States Department of Justice

<u>/s/ Andrew A. Smith</u>. ANDREW A. SMITH (NM Bar 8341) Senior Trial Attorney c/o United States Attorneys Office 201 Third Street, N.W., Suite 900 P.O. Box 607 Albuquerque, New Mexico 87103 Telephone: (505) 224-1468 Facsimile: (505) 346-7205 Andrew.Smith@usdoj.gov

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Attorneys for Federal Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2013, I filed through the United States District Court ECF System the foregoing document to be served by CM/ECF electronic filing on all counsel of record.

/s/Andrew A. Smith ANDREW A. SMITH U.S. Department of Justice