## UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

FRONT RANGE EQUINE RESCUE, et al.,	) ) )
Plaintiffs,	)
v.	)
TOM VILSACK, Secretary of the U.S. Department of Agriculture, <i>et al.</i> ,	) Civ. No. 1:13-cv-00639-MCA-RHS
Federal Defendants,	)
VALLEY MEAT COMPANY, LLC, et al.,	) ) )
Defendant-Intervenors.	)

## [PROPOSED] SCHEDULING ORDER

THIS MATTER came before the Court on Federal Defendants' and Defendant-Intervenors' August 26, 2013 "Joint Motion to Consolidate Preliminary Injunction Hearing with a Hearing on the Merits and to Set an Expedited Briefing Schedule on the Merits." The Court finds that the Joint Motion is well taken and GRANTS the Joint Motion. The Court hereby consolidates the hearing on Plaintiffs' pending motion for preliminary injunction with a hearing on the merits. Briefing on the merits of Plaintiffs' claims will proceed as follows:

In accordance with *Olenhouse v. Commodity Credit Corp.*, 42 F.3d 1560, 1580 (10th Cir. 1994), Plaintiffs' July 19, 2013 "First Amended Complaint for Declaratory and Injunctive Relief," ECF No. 54, will be considered as a "Petition for Review of Federal Agency Action" and processed as an appeal.

1) On or before August 29, 2013, Federal Defendants will lodge the Administrative

Record for Plaintiffs' claims with the Court in CD-Rom or DVD format.

2) On or before September 12, 2013, Plaintiffs and Plaintiff-Intervenor will file their

Opening Briefs on the Merits;

3) On or before September 26, 2013, Federal Defendants and Defendant-Intervenors

will file their Response Briefs on the Merits;

4) On or before October 10, 2013, Plaintiffs and Plaintiff-Intervenor will file their

Reply Briefs on the Merits.

The length of the Parties' briefs will be consistent with the Federal Rules of Appellate Procedure.

The Court will issue a final decision on the merits as soon as possible after the Reply

Briefs are filed on October 10, 2013. In the event the Court is unable to render a decision on the

merits on or before October 17, 2013, the August 2, 2013 Temporary Restraining Order, ECF

No. 94, as amended by ECF No. 125, shall be immediately converted to a Preliminary Injunction

pending the final decision on the merits.

SO ORDERED this \_\_\_\_\_ day of August, 2013, in Albuquerque, New Mexico.

M. CHRISTINA ARMIJO

United States District Judge

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