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July 2, 2013

United States District Court  
Northern District of California  
San Francisco Division  
450 Golden Gate Ave.  
San Francisco, CA 94102

**RECEIVED**  
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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
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CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Re: *Front Range Equine Rescue, et al. v. Tom Vilsack, et al.*

To the Honorable Court:

I am sending this cover letter with this filing because the parties have been discussing scheduling matters subsequent to my finalization of the briefing in this matter, and I wanted to apprise the Court of the current status of this request for a temporary restraining order.

This action challenges the United States Department of Agriculture's grant of inspection for horse slaughter and the creation of a new horse meat drug residue testing plan, without conducting the necessary environmental review required by the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.* Based on Defendants' announcement on Friday, June 28, 2013, that horse slaughter inspections had been approved, Plaintiffs prepared this action and seek a temporary restraining order and preliminary injunction to enjoin Defendants from allowing horse slaughter for human consumption to occur at domestic facilities pending a resolution of the merits of this action. Plaintiffs' action seeks only a brief continuation of the longstanding status quo of no horse slaughter in the United States, to allow the Court to review USDA's actions.

The parties have been discussing the matter since this afternoon (July 1, 2013) when Plaintiffs provided notice of the filing. Defendants' counsel has represented that there will be no inspection of horse slaughter facilities this week, and so there is no immediate need for a hearing. Plaintiffs would like to be heard before further harm occurs. However, despite my request for a stipulation that there be no inspection of horse slaughter facilities until the Court can hear the motion for preliminary injunction on a reasonable briefing schedule, defense counsel has represented that defendants "do not think [they] can commit to holding off on inspections indefinitely during the pendency of a preliminary injunction hearing." Counsel did state that

If it would forestall the filing of a TRO motion, I will ask FSIS if we would be able to give you some amount of notice before inspections begin. I don't know how much notice we could give because I have not spoken to them about this yet, and it might only be a couple days' notice, but if you already have your TRO papers



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ready to go, then I don't see any hardship to plaintiffs if we give you even two days' notice so that you can file your TRO papers upon such notice. In the meantime, you could file a motion for a preliminary injunction and we could litigate that on a more orderly schedule.

Plaintiffs would very much like to litigate the motion for preliminary injunction on an orderly briefing schedule for all, but the injury to my clients occurred last Friday upon the announcement that Defendants were authorizing inspections, and without a guarantee of a reasonable briefing schedule and delay of inspections that would allow for that orderly schedule, we would like to be heard on the temporary restraining order motion no later than next Monday, July 8, if possible. We are also happy to be heard today or tomorrow, in order to ensure that Defendants do not move forward with their inspections while the Court is considering the matter.

Please feel free to contact me if the Court has further questions. Although there have been no appearances, counsel for the government with whom I have been corresponding is Andrew Smith, Senior Trial Attorney for the Department of Justice, and he can be reached at (505) 224-1468, email [Andrew.smith@usdoj.gov](mailto:Andrew.smith@usdoj.gov).

Very truly yours,

A handwritten signature in black ink, appearing to read 'Bruce A. Wagman', written over a horizontal line.

Bruce A. Wagman

BAW:lfl  
cc: Andrew Smith

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