

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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

**THE PARTIES' STIPULATION AND JOINT MOTION TO EXTEND TEMPORARY
RESTRAINING ORDER REGARDING RAINS NATURAL MEATS, TO MODIFY
BRIEFING SCHEDULE, AND TO VACATE OCTOBER 1, 2013 EVIDENTIARY
HEARING**

Consistent with Federal Rule of Civil Procedure 65(b)(2), the Parties hereby consent to extending the Court's September 20, 2013 temporary restraining order, ECF No. 168, pertaining to federal inspections at the horse slaughterhouse facility operated by Intervenor-Defendant Rains Natural Meats in Gallatin, Missouri. Without conceding or waiving any claim or argument about whether the September 20, 2013 temporary restraining order was properly issued in the first instance, the Parties consent to extend the temporary restraining order to conserve the resources of the Court and the Parties and to accommodate the expedited briefing schedule on the merits. ECF No. 137. Consistent with the Court's September 5, 2013 Order, ECF No. 142, the Parties consent that the Court's September 20, 2013 temporary restraining order, ECF No. 168, will remain in effect until October 31, 2013, when the Court anticipates issuing its ruling on the merits of Plaintiffs' claims.

On September 24, 2013, Federal Defendants noticed the lodging of the Administrative Record for Federal Defendants' NEPA decision for Rains Natural Meats. ECF No. 174. The Parties have agreed to incorporate any arguments regarding how Plaintiffs' claims apply to the Rains decision in their remaining briefs under the expedited briefing schedule. To facilitate the Court's review, Defendants have also agreed to consolidate their Response Briefs on the merits down to two separate briefs, instead of six. Plaintiffs have agreed to consolidate their Reply Briefs on the merits to one brief, instead of two. To accommodate the addition of arguments relating to Rains as well as the logistics of consolidating briefing, the Parties agree that the deadlines for Response Briefs and Reply Briefs should be extended by one day. Additionally, the Parties agree that the word length for the two Response Briefs should be extended from 14,000 words to 17,500 words each. *See* Fed. R. App. P. 32(a)(7)(B)(i). The Parties also agree that the word length for the Plaintiffs' combined Reply Brief should be extended to 17,500 words.

Because the Parties are consenting to extending the Court's September 20, 2013 temporary restraining order, ECF No. 168, beyond October 4, 2013, the evidentiary hearing referred to the Honorable Robert H. Scott is not necessary. The Parties therefore respectfully request that the October 1, 2013 setting for this hearing, ECF No. 173, be vacated.

FOR THE FOREGOING REASONS, the Parties respectfully request that the Court grant the relief requested above, and as set forth in the accompanying proposed order.

Respectfully submitted this 25th day of September, 2013.

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CERTIFICATE OF SERVICE

I hereby certify that on September 25, 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