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NORTHERN DISTRICT OF CALIFORNIA

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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14
15 SAN FRANCISCO DIVISION

16 FRONT RANGE EQUINE RESCUE, THE
17 HUMANE SOCIETY OF THE UNITED
18 STATES, MARIN HUMANE SOCIETY,
19 HORSES FOR LIFE FOUNDATION,
20 RETURN TO FREEDOM, RAMONA
21 CORDOVA, KRYSTLE SMITH, CASSIE
22 GROSS, DEBORAH TRAHAN, and
23 BARBARA SINK,

24 Plaintiffs,

25 v.

26 TOM VILSACK, Secretary U.S. Department
27 of Agriculture; ELIZABETH A. HAGEN,
28 Under Secretary for Food Safety, U.S.
Department of Agriculture; and ALFRED A.
ALMANZA, Administrator, Food Safety and
Inspection Service, U.S. Department of
Agriculture,

Defendants.

Case No. 13-3334

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A

**PLAINTIFFS' MOTION FOR LEAVE TO
FILE OVERSIZE MOTION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION IN
EXCESS OF PAGE LIMITS;
DECLARATION OF BRUCE A.
WAGMAN; (PROPOSED) ORDER**

(Administrative Procedure Act Case)

29 Plaintiffs Front Range Equine Rescue, The Humane Society of the United States, Marin
30 Humane Society, Horses for Life Foundation, Return to Freedom, Ramona Cordova, Krystle
31 Smith, Cassie Gross, Deborah Trahan, and Barbara Sink (collectively, "Plaintiffs"), by and
32 through their undersigned counsel, respectfully move this Court pursuant to Civil Local Rule 7-11

1 for leave to exceed the page limitation applicable to its motion for a temporary restraining order
2 and preliminary injunction to be filed today (the "Motion"). In support of this motion for leave to
3 exceed the page limitation, Plaintiffs state as follows:

4 1. Plaintiffs will file their complaint against the defendants in this action on July 2,
5 2013.

6 2. Plaintiffs learned this past Friday, June 28, 2013 that defendants approved the
7 resumption of horse slaughter for human consumption for the first time in six years. Defendants
8 took this action without conducting the environmental review required pursuant to the National
9 Environmental Policy Act ("NEPA").

10 3. Plaintiffs are filing with this Court their motion for a temporary restraining order
11 in order to maintain the status quo and to prevent defendants from authorizing horse slaughter
12 operations until defendants comply with NEPA.

13 4. Plaintiffs' motion sets out in detail why flesh from U.S horses is unsafe for human
14 consumption, the environmental risks that may occur if horse slaughtering begins, and the
15 potential environmental devastation caused by horse slaughter. Plaintiffs' motion also outlines
16 the regulations adopted to implement NEPA, the purposes of NEPA review, the triggering factors
17 for requiring a hard look at potential environmental consequences prior to taking major federal
18 action, and the Ninth Circuit's standard for injunctive relief. All of this factual and legal
19 information is essential for the Court to fully and completely evaluate the necessity for
20 emergency temporary relief to preserve the status quo.

21 5. Plaintiffs request leave to file an oversize brief because: Plaintiffs' motion needed
22 to address the complex legal issues under NEPA and the APA and the body of law governing
23 both NEPA itself and the numerous CEQ regulations under NEPA; there is a detailed factual
24 background necessary for full appreciation of the matter, so that the court can fully evaluate the
25 issue; the Court needs to examine the four-factored test for grant of a temporary restraining order,
26 which required an in-depth analysis of the facts and law; and the case presents environmental
27 concerns of great importance.

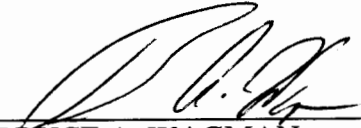
1 6. Due to the urgent nature of Plaintiffs' motion and the relief requested, Plaintiffs
2 are filing their motion *ex parte* and simultaneously with this motion, seeking to be heard by this
3 Court as soon as possible.

4 7. Due to the short time frame and emergency nature of Plaintiffs' Motion, Plaintiffs
5 were unable to secure a stipulation by all parties to the action for leave to file this oversize
6 motion. Since learning of defendants' actions on June 28, Plaintiffs have been diligently
7 preparing their motion but were unable to prepare the papers in time to seek defendants'
8 agreement regarding an enlarged page limit.

9 WHEREFORE, pursuant to Civil Local Rule 7-11, Plaintiffs respectfully request that this
10 Court grant them leave to file their motion for a temporary restraining order and preliminary
11 injunction, not to exceed thirty-five (35) pages.

12 Dated: July 1, 2013

SCHIFF HARDIN LLP

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14 By: 
15 BRUCE A. WAGMAN
16 Attorneys for Plaintiffs
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DECLARATION OF BRUCE WAGMAN

I, Bruce A. Wagman, Esq., do hereby declare and testify as follows:

1. I am the attorney of record for plaintiffs Front Range Equine Rescue (“FRER”), The Humane Society of the United States, Marin Humane Society, Horses for Life Foundation, Return to Freedom, Ramona Cordova, Krystle Smith, Cassie Gross, Deborah Trahan, and Barbara Sink (collectively “Plaintiffs”).

2. In accordance with Civil Local Rule 7-11(a), I submit this declaration in support of Plaintiffs’ Motion for Leave to File a Motion for a Temporary Restraining Order and Preliminary Injunction in Excess of the Page Limitation.

3. Plaintiffs’ counsel worked diligently to limit the size of the memorandum of points and authorities and notice and motion filed today but, because of the complex legal issues, the detailed factual background necessary for the court’s analysis, as well as the evaluation for a temporary restraining order, we were unable to meet the page limit for motions in this Court.

4. Due to the urgent nature of Plaintiffs’ emergency motion to temporarily enjoin defendants from authorizing horse slaughter for the first time in this country in six years, Plaintiffs were unable to prepare their filings in advance with sufficient time to confer with defendants prior to filing their emergency motion.

5. For these reasons, Plaintiffs were unable to secure a stipulation of the parties prior to filing this motion with the Court.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 1st day of July 2013, in San Francisco, California.



Bruce A. Wagman

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25 Under Secretary for Food Safety, U.S.
26 Department of Agriculture; and ALFRED A.
27 ALMANZA, Administrator, Food Safety and
28 Inspection Service, U.S. Department of
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Case No.

(PROPOSED) ORDER

25 Before the Court, having considered the Plaintiffs' Motion for Leave to File a Motion for
26 a Temporary Restraining Order and Preliminary Injunction in Excess of the Page Limitation, the
27 evidence and declaration in support thereof, and any opposition thereto, the Court finds that
28 Plaintiffs have shown good cause and Plaintiffs' motion should be and hereby is **GRANTED**.

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Plaintiffs may file their motion for a temporary restraining order and preliminary injunction not to exceed thirty-five (35) pages.

DATE: _____

U.S. District Court Judge for the Northern
District of California

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