

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FRONT RANGE EQUINE RESCUE, THE
HUMANE SOCIETY OF THE UNITED
STATES, MARIN HUMANE SOCIETY,
HORSES FOR LIFE FOUNDATION,
RETURN TO FREEDOM, FOUNDATION
FOR THE PROTECTION OF NEW MEXICO
WILDLIFE, RAMONA CORDOVA,
KRYSTLE SMITH, CASSIE GROSS,
DEBORAH TRAHAN, BARBARA SINK,
SANDY SCHAEFER, TANYA
LITTLEWOLF, CHIEF DAVID BALD
EAGLE, CHIEF ARVOL LOOKING HORSE
and ROXANNE TALLTREE-DOUGLAS,

Plaintiffs,

v.

TOM VILSACK, Secretary U.S. Department of
Agriculture; ELIZABETH A. HAGEN, 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.

Civil No. 1:13-CV-00639-MCA-RHS

**PLAINTIFFS AND PLAINTIFF-INTERVENORS' EMERGENCY MOTION
TO EXTEND THE COURT'S ORDERS GRANTING INJUNCTIVE RELIEF¹**

REQUEST FOR EXPEDITED REVIEW

¹ Pursuant to Local Rule 7.1(a), Plaintiffs have contacted all counsel this morning to obtain their position on this Motion. Defendant-Intervenors Yakama Nation, Valley Meat, Rains Natural Meats, and Chevaline LLC oppose the motion. Defendant-Intervenor Responsible Transportation stated no position on the motion, but suggested a call with the Court to inquire about the timing on the pending ruling. The other parties have not communicated their position.

Plaintiffs and Plaintiff-Intervenor the State of New Mexico (collectively, "Plaintiffs") request that the Court grant their emergency motion extending its orders enjoining the federal defendants from dispatching inspectors to or providing horse slaughter inspection services at the horse slaughter facilities operated by Defendant-Intervenors Valley Meat, Responsible Transportation, and Rains Natural Meats until the Court rules on the merits of Plaintiffs' claims. In support of this motion, Plaintiffs state the following.

On August 2, 2013, the Court enjoined the federal defendants from dispatching inspectors to or providing horse slaughter inspection services at the horse slaughter facilities operated by Defendant-Intervenors Valley Meat and Responsible Transportation. Order at 6-7, ECF 94. On September 5, 2013, the Court further extended this injunction to October 31, 2013, "when the Court anticipate[d] issuing its ruling on the merits of Plaintiffs' claims." Order, ECF 142.

Similarly, on September 20, 2013, the Court enjoined the federal defendants from dispatching inspectors to or providing horse slaughter inspection services at the horse slaughter facility operated by Rains Natural Meats. Order, ECF 168. And on September 26, 2013, the Court extended this injunction to October 31, 2013, "when the Court anticipate[d] issuing its ruling on the merits of Plaintiffs' claims." Order, ECF 179.

Consistent with the Court's orders, the parties completed their briefing on the merits on October 11, 2013. *See* Plaintiffs and Plaintiff-Intervenors' Consolidated Reply on the Merits, Oct. 11, 2013, ECF 192; *see also* Federal Defendants' Response on the Merits, Sept. 27, 2013, ECF 185; Plaintiffs' Amended Brief on the Merits, Sept. 23, 2013, ECF 170; Plaintiff-Intervenors' Amended Brief on the Merits, Sept. 23, 2013, ECF 172.

Although the injunctions prohibiting the federal defendants from dispatching inspectors to or providing horse slaughter inspection services at the horse slaughter facilities operated by

Defendant-Intervenors Valley Meat, Responsible Transportation, and Rains Natural Meats appear to have expired on October 31, 2013, Plaintiffs understand that the Court intended to extend the injunction until it “issued its ruling on the merits of Plaintiffs’ claims.” *See* Order, Sept. 5, 2013, ECF 142; Order, Sept. 26, 2013, ECF 179.

For the foregoing reasons, Plaintiffs respectfully request that the Court extend its orders enjoining the federal defendants from dispatching inspectors to or providing horse slaughter inspection services at the horse slaughter facilities operated by Defendant-Intervenors Valley Meat, Responsible Transportation, and Rains Natural Meats until the Court rules on the merits of Plaintiffs’ claims.

Respectfully submitted this 1st day of November 2013.

/s/ Bruce A. Wagman

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Attorney for Plaintiff-Intervenor State of New Mexico

Of counsel: R. David Pederson

CERTIFICATE OF SERVICE

I hereby certify that on November 1st, 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/ Bruce A. Wagman

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