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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

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12 CENTER FOR FOOD SAFETY and CENTER  
13 FOR ENVIRONMENTAL HEALTH,

14 Plaintiffs,

15 v.

16 SONNY PERDUE, Secretary of Agriculture;  
17 BRUCE SUMMERS, Administrator,  
Agricultural Marketing Service; and the  
18 UNITED STATES DEPARTMENT OF  
AGRICULTURE,

19 Defendants.  
20

Case No. 4:18-cv-04633-HSG

**PLAINTIFFS' REQUEST FOR  
VOLUNTARY DISMISSAL BY  
COURT ORDER**

21  
22 Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs Center for Food Safety  
23 and Center for Environmental Health state as follows through undersigned counsel:

24 1. On July 29, 2016, Congress enacted the 2016 Federal Bioengineered Food  
25 Disclosure Standards Act (the Act), 7 U.S.C. § 1639 *et seq.*, legislation requiring, *inter alia*, the  
26 Secretary of Agriculture to establish, within two years, a national uniform mandatory disclosure  
27 standard for bioengineered foods, 7 U.S.C. § 1639b(a).  
28

1           2.       Defendants, Sonny Perdue, Bruce Summers, and the United States Department of  
2 Agriculture (collectively USDA), did not issue the final rules establishing the disclosure  
3 standard by the July 29, 2018 deadline specified by the Act.

4           3.       On August 1, 2018, Plaintiffs filed this action, alleging that USDA violated the  
5 Act by missing the express deadline, and seeking relief from the Court to ensure USDA  
6 promptly finished its rulemaking process and issued the final rule implementing the Act.

7           4.       On September 6, 2018, Plaintiffs moved for summary judgment, arguing there  
8 are no issues of material fact and the only legal issue is that USDA missed the statutory  
9 deadline. *See* Pls.' Mot. for Summ. J., ECF No. 15, at 1.

10          5.       In response, on September 20, 2018, in its opposition to Plaintiffs' motion for  
11 summary judgment, USDA stated its intent to issue the final rules as soon as practicable after  
12 the 90-day review period, mandated by Executive Order 12,866, was complete. Defs.' Opp'n to  
13 Pls.' Mot. for Summ. J., ECF No. 18, at 1.

14          6.       On October 3, 2018, the Parties jointly stipulated to continue the case pending  
15 the resolution of rulemaking and publication of the final rules in the Federal Register. ECF No.  
16 26. This Court stayed the case on October 4, 2018 and ordered that the Parties meet and confer  
17 and file a joint status report by December 3, 2018. ECF No. 27.

18          7.       Parties filed their joint report on December 3, 2018, stating that on November 20,  
19 2018, the Office of Management and Budget completed its review of the final regulations  
20 implementing the Act, and informing the Court that USDA would promptly submit the final  
21 rules for publication in the Federal Register. ECF No. 29. The Court approved the joint  
22 stipulation and ordered the Parties to meet and confer and file a further status report with the  
23 Court on or before January 4, 2019. ECF No. 30.

24          8.       On December 21, 2018, USDA published the final rules establishing the new  
25 National Bioengineered Food Disclosure Standard, which will become effective on February 19,  
26 2019. USDA, National Bioengineered Food Disclosure Standard, 83 Fed. Reg. 65814 (Dec. 21,  
27 2018). On January 4, 2019, the Parties filed a joint status report with the Court noting the same.



**[PROPOSED] ORDER**

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2 Because the Plaintiffs have secured their requested relief, the promulgation and  
3 publication in the Federal Register of the final rules implementing the 2016 Federal  
4 Bioengineered Food Disclosure Standards Act, 7 U.S.C. § 1639 *et seq.*, the above Request for  
5 Voluntary Dismissal is approved and the case is hereby DISMISSED with prejudice.

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7 IT IS SO ORDERED.

8 Dated:

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10 Honorable Haywood S. Gillam  
11 UNITED STATES DISTRICT JUDGE  
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