

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ORGANIC TRADE ASSOCIATION,

Plaintiff,

v.

UNITED STATES DEPARTMENT
OF AGRICULTURE, *et al.*,

Defendants.

Case No. 1:17-cv-01875-PLF

JOINT STATUS REPORT

Pursuant to the Court’s February 22 Order granting the parties’ motion to stay, ECF No. 129, the parties report on the status of proceedings in this case and respectfully seek to continue the stay pending ongoing discussions about a potential resolution of this case without further litigation.

1. In this case, Plaintiff challenges USDA’s March 2018 withdrawal of an organic livestock rule commonly referred to as the “OLPP Rule.” *See generally* Third Am. Compl., ECF No. 121; *see also* 82 Fed. Reg. 7042 (Jan. 19, 2017) (OLPP Rule); 83 Fed. Reg. 10,775 (Mar. 13, 2018) (final rule withdrawing OLPP or “Withdrawal Rule”).

2. On December 8, 2020, Plaintiff filed a motion to extend the deadlines for summary judgment briefing “to permit the incoming administration some time to evaluate the case” in light of the “possibility that the incoming President will bring policy and legal perspectives that differ

from the outgoing President's views[.]” ECF No. 123 ¶¶ 11, 13.¹ The Court granted Plaintiff's motion to extend the briefing schedule on December 15, 2020.

3. On February 19, 2021, the parties sought a limited 30-day stay to explore the potential for an agreement that would allow resolution of this matter without further litigation. The Court granted the stay and ordered a joint status report by March 22, 2021. ECF No. 129.

4. The parties have conferred, through counsel, regarding a potential amicable resolution on several occasions in the last 30 days, and Plaintiff has submitted written settlement memoranda, to which the agency has responded through counsel.

5. Counsel for Plaintiff and Defendants have conferred and agree that an additional 30-day stay is appropriate to continue their discussions regarding a potential agreement to resolve the litigation. The parties propose to provide a further status report by April 21, 2021. A proposed order accompanies this status report.

Dated: March 22, 2021

Respectfully Submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

ERIC R. WOMACK
Assistant Director, Federal Programs Branch

/s/ Serena M. Orloff
SERENA M. ORLOFF
California Bar No. 260888
Trial Attorney, U.S. Department of Justice
1100 L Street NW, Room 12512
Washington, D.C. 20005
(P) 202-305-0167
(F) 202-616-8470
serena.m.orloff@usdoj.gov

Attorneys for Defendants

¹ Plaintiff's counsel subsequently indicated that he would be unavailable for briefing on the then-existing schedule. ECF No. 27.

/s/ William J. Friedman

William J. Friedman

107 S. West Street

Alexandria, VA 22314

(P) (571) 217-2190

pedlarfarm@gmail.com

Attorney for Plaintiff