

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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ARKANSAS DAIRY COOPERATIVE )  
ASSOCIATION, INC. *et al.*, )  
 )  
Plaintiffs, )  
 ) Civil Action No. 08-1426 (EGS)  
v. )  
 )  
UNITED STATES DEPARTMENT OF )  
AGRICULTURE, )  
 )  
Defendant. )

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SCHEDULING ORDER

The failure of a party or attorney to comply with the provisions of this Order will be viewed with disfavor and may result in the imposition of sanctions. The parties are advised that requests for extensions of time will also be viewed with disfavor and will not be granted as a matter of course. Attorneys of record shall read this Scheduling Order in its entirety and are responsible for ensuring that members of the attorney's staff are also familiar with and follow these procedures. Furthermore, in view of the Court's limited resources, no one should contact chambers by telephone absent exigent circumstances.

Pursuant to the telephone conference held today, August 19, 2008, it is hereby **ORDERED** that

(1) Applicant Intervenor International Dairy Foods

Association's ("IDFA") Motion to Intervene as Defendant is **GRANTED**; and it is **FURTHER ORDERED** that

(2) The United States Department of Agriculture (USDA) has determined that it will postpone the effective date of the make allowance adjustments announced in the Federal Register on July 31, 2008, until October 1, 2008, with announcement of the advanced pricing factors on September 19, 2008, based on the new make allowance adjustments; all September class prices will use the current make allowances and butterfat yield factor. In light of the government's representation, the Court has determined that a hearing on Plaintiffs' request for a temporary restraining order is unnecessary. The parties will adhere to the following briefing and hearing schedule for Plaintiffs' Motion for a Preliminary Injunction, so that the Court can rule on the Motion before September 19, 2008, when the new advanced pricing factors are to be announced. Defendants' Opposition to Plaintiffs' Motion shall be filed by no later than **August 28, 2008**.

Defendants USDA and IDFA may file separate pleadings but shall work together to avoid unnecessary duplication. Plaintiffs' Reply in support of its Motion shall be filed no later than **September 3, 2008**. The Court will hold a Hearing on Plaintiffs' Motion for a Preliminary Injunction on **September 16, 2008 at 10:00 a.m. in Courtroom 24A**. It is **FURTHER ORDERED** that

(3) Each party to this action shall deliver to Chambers two

(2) hard copies of the principle points and authorities cited in its briefs, including excerpts from the Federal Register and citations to administrative proceedings. The copies shall be three-hole punched and collated in two separate 3-ring binders. Plaintiffs shall file their points and authorities for their initial motion by no later than **August 28, 2008**. All points and authorities for subsequent pleadings by any party shall be filed on the same day as the pleading in question. In the same manner described above, the parties shall also deliver to Chambers one hard copy of any exhibits to any pleading, with Plaintiffs' exhibits to its initial Motion due by **August 28, 2008**. The page limitations of the local rules of this Court shall apply to all filings by all parties.

(4) Counsel are directed not to communicate with anyone on Judge Sullivan's staff on an *ex parte* basis. In the event it is absolutely necessary to communicate with Judge Sullivan's staff regarding this case, counsel are directed to arrange, at their expense, a conference telephone call with counsel for all other parties, and any pro se party, and speak directly with chambers, at 202-354-3260, or the courtroom deputy, Carol Votteler, at 202-354-3152. It will not be the responsibility of anyone on Judge Sullivan's staff to arrange any telephone calls.

(5) All dates in this Order are firm, may not be altered by the parties, and, absent exceptional circumstances, will not be

altered by the Court. Any request for an extension of time shall be made by filing a motion and shall state whether any prior extensions of time have been granted and whether the extension will impact any other scheduled dates.

(6) Counsel are admonished to read the Circuit's opinion in Jackson v. Finnegan, Henderson, Farabow, Garrett & Dunner, et al., 101 F.3d 145, 152 (D.C. Cir. 1996) (in implementing a scheduling order at the beginning of a case and insisting on its reasonable observance during litigation, the district court acted in a manner consistent with the Supreme Court's and Congress' concern for the fair and efficient administration of justice).

It is **FURTHER ORDERED** that the Clerk of the Court is not required to provide hard copies of any pleading filed electronically in the above captioned case to supernumerary attorneys of a law firm who have not entered their appearance on the electronic case filing system (ECF) and registered for a password granting them access to electronic dockets.

**SO ORDERED.**

**Signed: Emmet G. Sullivan  
United States District Judge  
August 19, 2008**