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ATTORNEYS FOR PETITIONERS/PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

RANCHERS CATTLEMEN ACTION LEGAL)	
FUND UNITED STOCKGROWERS)	
OF AMERICA; et al.)	
Petitioners/Plaintiffs,)	No. 19-CV-205-F
vs.)	
)	
UNITED STATES DEPARTMENT OF)	
AGRICULTURE; et al.)	
Respondents/Defendants.)	

**PLAINTIFFS' UNOPPOSED MOTION FOR
TWO-WEEK EXTENSION OF TIME TO FILE REPLY BRIEF ON THE MERITS**

Plaintiffs Ranchers Cattlemen Action Legal Fund United Stockgrowers of America, *et al.*, (collectively, "R-CALF"), by and through their attorneys, Harriet M. Hageman and the New Civil Liberties Alliance, respectfully submit this *unopposed* request for a two-week extension of time to file their Reply Brief on the merits. The grounds for this motion are as follows:

1. Plaintiffs filed their Opening Brief on the merits on February 8, 2021. Defendants' response brief was initially due on or before March 10, 2021. Counsel for Defendants requested a one-week extension of that deadline, with Plaintiffs' attorney agreeing to

such request. *See* ECF 55 and 56. Defendants' deadline for filing their response brief was then moved to March 17, 2021. Counsel for Defendants filed a second motion for a one-week extension of time (again unopposed by Plaintiffs) on March 16, 2021. *See* ECF 57. That Motion was also granted, with Defendants finally filing their Brief on the Merits on March 24, 2021. *See* ECF 59. Defendants filed a "Corrected" Response Brief on March 29, 2021, having failed to include a signature block on the original document filed last week. *See* ECF 60. Using March 24, 2021 as the filing date of Defendants Brief on the Merits, Plaintiffs' Reply Brief is due to be filed on or before April 7, 2021.

2. On *March 23, 2020*, Plaintiffs sent a Freedom of Information Act ("FOIA") request to Defendant Animal and Plant Health Inspection Service ("APHIS"), a subagency of Defendant United States Department of Agriculture ("USDA"). APHIS continues to produce documents pursuant to that FOIA request, with the most recent "document dump" being *March 16 and 17, 2021*, at which time agency employees delinquently provided a *sixth, seventh, and eighth* response to the original *2020* FOIA request.
3. APHIS's most recent response to Plaintiffs' FOIA request involved *over 1000* pages of documents related to APHIS's plans to require the cattle industry to use Radio Frequency Identification ("RFID") eartag technology by January 1, 2023. It has taken some time to review such documents to determine how they relate to the current dispute.
4. Having now completed that review, Plaintiffs have yet again determined that several of the just-released documents are highly relevant to its pending claims against Defendants under the Federal Advisory Committee Act ("FACA").

5. On March 30, 2021 Plaintiffs filed their *Second Supplemental Motion* for Completion of the Record, identifying (and providing) five significant documents that should have been included in Defendants' Administrative Record. *See* ECF 62.
6. Having spent substantial time reviewing the documents produced by APHIS pursuant to FOIA, and then preparing and filing a second Motion to Supplement the Record, Plaintiffs' counsel now needs additional time to prepare the Reply Brief on the merits.
7. Plaintiffs' counsel has conferred with Defendants' counsel on the relief requested herein. Defendants do not oppose this requested two-week extension of time.

WHEREFORE, Plaintiffs R-CALF, *et al.*, respectfully request that the Court grant their Unopposed Motion for Two-Week Extension of Time to File Reply Brief on the Merits (to be filed on or before April 21, 2021), and for such other relief as is just under the circumstances.

Dated this 31st day of March 2021.

Attorneys for Petitioners/Plaintiffs

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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on March 31, 2021, a copy of PLAINTIFFS' UNOPPOSED MOTION FOR TWO-WEEK EXTENSION OF TIME TO FILE REPLY BRIEF ON THE MERITS, was filed with the Court's CM/ECF system, which will send notice of electronic filing to the counsel of record.

/s/ Harriet M. Hageman
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