

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

NATIONAL ASSOCIATION OF WHEAT  
GROWERS; NATIONAL CORN GROWERS  
ASSOCIATION; UNITED STATES  
DURUM GROWERS ASSOCIATION;  
WESTERN PLANT HEALTH  
ASSOCIATION; MISSOURI FARM  
BUREAU; IOWA SOYBEAN  
ASSOCIATION; SOUTH DAKOTA  
AGRI-BUSINESS ASSOCIATION;  
NORTH DAKOTA GRAIN GROWERS  
ASSOCIATION; MISSOURI CHAMBER  
OF COMMERCE AND INDUSTRY;  
MONSANTO COMPANY; ASSOCIATED  
INDUSTRIES OF MISSOURI;  
AGRIBUSINESS ASSOCIATION OF  
IOWA; CROPLIFE AMERICA; AND  
AGRICULTURAL RETAILERS  
ASSOCIATION,

Plaintiffs,

XAVIER BECERRA, IN HIS  
OFFICIAL CAPACITY AS ATTORNEY  
GENERAL OF THE STATE OF  
CALIFORNIA,

Defendant.

Civil Action No. 2:17-cv-02401-  
WBS-EFB

**ORDER**

1           Upon consideration of the parties' Joint Response to Order  
2 to Show Cause, it is hereby ORDERED that:


3           1. Plaintiffs' pending claims in their First Amended  
4 Complaint, Dkt. 23, consisting of Claim II (Violation of  
5 Supremacy Clause of the United States Constitution) and Claim  
6 III (Violation of the Due Process Clause of the Fourteenth  
7 Amendment to the United States Constitution) are DISMISSED  
8 WITHOUT PREJUDICE as moot;

9           2. The court GRANTS LEAVE to Plaintiffs to refile Claim  
10 II and Claim III in the event that, following appeal, the Ninth  
11 Circuit Court of Appeals remands this matter to this court; and

12           3. The Clerk shall separately enter judgment pursuant to  
13 the court's Memorandum and Order Re: Cross Motions for Summary  
14 Judgment, Dkt. 155, issued on June 22, 2020.

15           IT IS SO ORDERED.

16           Dated: August 10, 2020

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18 **WILLIAM B. SHUBB**  
19 **UNITED STATES DISTRICT JUDGE**  
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