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Counsel for Plaintiff

**THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CENTER FOR FOOD SAFETY,)	Case No. 4:17-cv-04967-JSW
)	
<i>Plaintiff,</i>)	
)	NOTICE OF VOLUNTARY
v.)	DISMISSAL WITH PREJUDICE
)	
SONNY PERDUE, Secretary of the United)	
States Department of Agriculture; BRUCE)	
SUMMERS, Administrator of the)	
Agricultural Marketing Service; and the)	
UNITED STATES DEPARTMENT OF)	
AGRICULTURE,)	
)	
<i>Defendants.</i>)	
)	

NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff Center for Food Safety hereby provides notice of voluntary dismissal of the above-captioned case:

1. Plaintiff filed its complaint against Sonny Perdue, Bruce Summers, and the United States Department of Agriculture (USDA) (collectively Defendants), for declaratory and injunctive relief on August 25, 2017, seeking public release of the study on digital or electronic disclosure of genetically engineered food mandated by the the 2016 Federal Bioengineered Food Disclosure Standards Act, 7 U.S.C. § 1639 *et seq.* (hereinafter the “GE Labeling Act” or “the Act”). Plaintiff’s complaint also sought compliance with the Act’s requirement that Defendants, in conducting the study, to solicit and consider public comments. ECF No. 1.

2. On September 6, 2017 (twelve days after the Complaint was filed), Defendants released the study, completed by contractor Deloitte, titled “Study of Electronic or Digital Link Disclosure: A Third-Party Evaluation of Challenges Impacting Access to Bioengineered Food Disclosure” and dated July 2017. Thus Plaintiffs have achieved the relief they sought in this case with regards to the publication of the study by the Congressionally-mandated deadline, or as soon as possible thereafter.

3. The other relief Plaintiffs sought was public comment on the study. On November 13, 2017, Defendants moved to dismiss Plaintiff’s complaint for lack of subject matter jurisdiction. ECF No. 18. In that motion, Defendants state to the Court that USDA will “provide an opportunity to comment on the final study as part of the forthcoming substantive rulemaking.” *Id.* at 2, 6, 13. Thus Defendants have now attested in a public court filing that they will have comment on the study in the forthcoming proposed rulemaking.

4. Accordingly because Plaintiff has secured the relief it sought, including the release of the study mandated by the Act and the commitment to solicit public comment on the study, the single cause of action for violation of the Administrative Procedure Act and the GE Labeling Act against all Defendants is hereby voluntarily dismissed, with prejudice.

Respectfully submitted this 27th day of November, 2017 in San Francisco, California.

/s/ George Kimbrell

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