



[Case Search](#)

[Calendar](#)

[Opinions](#)

[Orders/Judgments](#)

[XML](#)

[TXT](#)

[Logout](#)

[Help](#)

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 20-55631

Docketed: 06/18/2020

Nature of Suit: 3950 Constitutionality of State Statutes

Termed: 07/28/2021

Nat'l Pork Producers Council, et al v. Karen Ross, et al

Appeal From: U.S. District Court for Southern California, San Diego

Fee Status: Paid

Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:

District: 0974-3 : [3:19-cv-02324-W-AHG](#)

Trial Judge: Thomas J. Whelan, Senior District Judge

Date Filed: 12/05/2019

Date	Date Order/Judgment	Date NOA	Date Rec'd
Order/Judgment:	EOD:	Filed:	COA:
06/16/2020	06/16/2020	06/17/2020	06/17/2020

Prior Cases:

None

Current Cases:

None

NATIONAL PORK PRODUCERS
COUNCIL

Plaintiff - Appellant,

Timothy S. Bishop

Direct: 312-782-0600

Email: tbishop@mayerbrown.com

[COR LD NTC Retained]

Mayer Brown LLP

71 South Wacker Drive

Chicago, IL 60606-4637

Christopher Mitchell Hendy, Attorney

Direct: 213-229-5142

Email: mhendy@mayerbrown.com

Fax: 213-625-0248

[COR LD NTC Retained]

Mayer Brown LLP

Suite 2500

350 South Grand Avenue
Los Angeles, CA 90071

Dan Himmelfarb
Direct: 202-263-3035
Email: dhimmelfarb@mayerbrown.com
Fax: 202-762-4267
[COR LD NTC Retained]
Mayer Brown LLP
1999 K Street, NW
Washington, DC 20006

Michael Formica
Direct: 202-680-3820
Email: formicam@nppc.org
[COR NTC Retained]
7426 Eldorado Street
McLean, VA 22102

Brett E. Legner
Direct: 312-701-8090
Email: blegner@mayerbrown.com
[COR NTC Retained]
Mayer Brown LLP
71 South Wacker Drive
Chicago, IL 60606-4637

AMERICAN FARM BUREAU
FEDERATION
Plaintiff - Appellant,

Timothy S. Bishop
Direct: 312-782-0600
[COR LD NTC Retained]
(see above)

Christopher Mitchell Hendy, Attorney
Direct: 213-229-5142
[COR LD NTC Retained]
(see above)

Dan Himmelfarb
Direct: 202-263-3035
[COR LD NTC Retained]
(see above)

Travis Cushman
Direct: 202-406-3618
Email: travisc@fb.org
[COR NTC Retained]

American Farm Bureau Federation
Suite 1000W
600 Maryland Avenue SW
Washington, DC 20024

Brett E. Legner
Direct: 312-701-8090
[COR NTC Retained]
(see above)

v.

KAREN ROSS, in her official capacity as
Secretary of the California Department of
Food & Agriculture

Defendant - Appellee,

R. Matthew Wise, Esquire
Email: Matthew.Wise@doj.ca.gov
[COR LD NTC Dep State Atty Gen]
AGCA-Office of the California Attorney
General
1300 I Street
Suite 125
Sacramento, CA 95814

TOMAS ARAGON, in his official capacity as
Director of the California Department of
Public Health

Defendant - Appellee,

R. Matthew Wise, Esquire
[COR LD NTC Dep State Atty Gen]
(see above)

SONIA ANGELL, in her official capacity as
Director of the California Department of
Public Health

Terminated: 07/28/2021

Defendant - Appellee,

XAVIER BECERRA, in his official capacity
as Attorney General of California

Terminated: 07/28/2021

Defendant - Appellee,

ROB BONTA, in his official capacity as
Attorney General of California

Defendant - Appellee,

R. Matthew Wise, Esquire
[COR LD NTC Dep State Atty Gen]
(see above)

THE HUMANE SOCIETY OF THE UNITED
STATES

Intervenor-Defendant - Appellee,

Bruce A. Wagman, Attorney
Direct: 415-275-8540
Email: bwagman@rshc-law.com
Fax: 415-275-8551
[COR LD NTC Retained]
Riley, Safer, Holmes & Cancila LLP
456 Montgomery Street

	16th Floor San Francisco, CA 94104
ANIMAL LEGAL DEFENSE FUND Intervenor-Defendant - Appellee,	Bruce A. Wagman, Attorney Direct: 415-275-8540 [COR LD NTC Retained] (see above)
ANIMAL EQUALITY Intervenor-Defendant - Appellee,	Bruce A. Wagman, Attorney Direct: 415-275-8540 [COR LD NTC Retained] (see above)
THE HUMANE LEAGUE Intervenor-Defendant - Appellee,	Bruce A. Wagman, Attorney Direct: 415-275-8540 [COR LD NTC Retained] (see above)
FARM SANCTUARY Intervenor-Defendant - Appellee,	Bruce A. Wagman, Attorney Direct: 415-275-8540 [COR LD NTC Retained] (see above)
COMPASSION IN WORLD FARMING USA Intervenor-Defendant - Appellee,	Bruce A. Wagman, Attorney Direct: 415-275-8540 [COR LD NTC Retained] (see above)
COMPASSION OVER KILLING Intervenor-Defendant - Appellee,	Bruce A. Wagman, Attorney Direct: 415-275-8540 [COR LD NTC Retained] (see above)

NATIONAL ASSOCIATION OF MANUFACTURERS, CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, FMI - THE FOOD INDUSTRY ASSOCIATION, NATIONAL CATTLEMENS BEEF ASSOCIATION, AND NATIONAL MINING ASSOCIATION Amicus Curiae,	Catherine Emily Stetson, Esquire Direct: 202-637-5491 Email: cate.stetson@hoganlovells.com Fax: 202-637-5910 [COR LD NTC Retained] Hogan Lovells US LLP Firm: 202-637-5600 555 Thirteenth Street, NW Washington, DC 20004
STATE OF INDIANA, STATE OF ALABAMA, STATE OF ALASKA, STATE OF ARKANSAS, STATE OF GEORGIA,	Thomas Molnar Fisher, Solicitor General Email: tom.fisher@atg.in.gov [COR LD NTC Dep State Atty Gen]

STATE OF IOWA, STATE OF KANSAS,
STATE OF LOUISIANA, STATE OF
MISSOURI, STATE OF MONTANA,
STATE OF NEBRASKA, STATE OF
NORTH DAKOTA, STATE OF OHIO,
STATE OF OKLAHOMA, STATE OF
SOUTH CAROLINA, STATE OF SOUTH
DAKOTA, STATE OF TEXAS, STATE OF
UTAH, STATE OF WEST VIRGINIA, AND
STATE OF WYOMING

Amicus Curiae,

UNITED STATES OF AMERICA

Amicus Curiae,

ASSOCIATION OF CALIFORNIA EGG
FARMERS

Amicus Curiae,

PACIFIC EGG & POULTRY
ASSOCIATION

Amicus Curiae,

HEALTH CARE WITHOUT HARM

Amicus Curiae,

NATIONAL COUNCIL FOR
OCCUPATIONAL SAFETY AND HEALTH

Amicus Curiae,

CONSUMER FEDERATION OF AMERICA

Amicus Curiae,

IAGO - INDIANA ATTORNEY GENERALS
OFFICE

INDIANA GOVERNMENT CENTER
SOUTH

302 W. Washington St.
Indianapolis, IN 46204-2770

Thomas G. Pulham, Attorney
Email: thomas.pulham@usdoj.gov
[COR LD NTC Government]
DOJ - U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Brian Matthew Boynton
Direct: 202-663-6044
[COR LD NTC Retained]
Wilmer Cutler Pickering Hale and Dorr, LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006

Brian Matthew Boynton
Direct: 202-663-6044
[COR LD NTC Retained]
(see above)

Matt Berkowitz
Direct: 650-838-3600
Email: matthew.berkowitz@shearman.com
[COR LD NTC Retained]
1460 El Camino Real
2nd Floor
Menlo Park, CA 94025

Matt Berkowitz
Direct: 650-838-3600
[COR LD NTC Retained]
(see above)

Matt Berkowitz
Direct: 650-838-3600
[COR LD NTC Retained]
(see above)

FOOD & WATER WATCH
Amicus Curiae,

Matt Berkowitz
Direct: 650-838-3600
[COR LD NTC Retained]
(see above)

NATIONAL PORK PRODUCERS COUNCIL; AMERICAN FARM BUREAU FEDERATION,

Plaintiffs - Appellants,

v.

KAREN ROSS, in her official capacity as Secretary of the California Department of Food & Agriculture;
TOMAS ARAGON, in his official capacity as Director of the California Department of Public Health;
ROB BONTA, in his official capacity as Attorney General of California,

Defendants - Appellees,

and

THE HUMANE SOCIETY OF THE UNITED STATES; ANIMAL LEGAL DEFENSE FUND; ANIMAL
EQUALITY; THE HUMANE LEAGUE; FARM SANCTUARY; COMPASSION IN WORLD FARMING
USA; COMPASSION OVER KILLING,

Intervenor-Defendants - Appellees.

06/18/2020 [1](#)
30 pg, 1.62 MB

DOCKETED CAUSE AND ENTERED APPEARANCES OF
COUNSEL. SEND MQ: Yes. The schedule is set as follows:
Appellants American Farm Bureau Federation and National Pork
Producers Council Mediation Questionnaire due on 06/25/2020.
Appellants American Farm Bureau Federation and National Pork
Producers Council opening brief due 08/24/2020. Appellees Sonia
Angell, Animal Equality, Animal Legal Defense Fund, Xavier
Becerra, Compassion Over Killing, Compassion in World Farming
USA, Farm Sanctuary, Karen Ross, The Humane League and The
Humane Society of the United States answering brief due
09/24/2020. Appellant's optional reply brief is due 21 days after
service of the answering brief. [11726296] (RT) [Entered:
06/18/2020 01:53 PM]

06/23/2020 [2](#)
3 pg, 16.83 KB

Filed (ECF) Appellants American Farm Bureau Federation and
National Pork Producers Council Mediation Questionnaire. Date of
service: 06/23/2020. [11730543] [20-55631] (Bishop, Timothy)
[Entered: 06/23/2020 11:11 AM]

06/23/2020 3

The Mediation Questionnaire for this case was filed on 06/23/2020.
To submit pertinent **confidential** information directly to the Circuit
Mediators, please use the following [link](#).
Confidential submissions may include any information relevant to
mediation of the case and settlement potential, including, but not

			limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[11730726]. [20-55631] (AD) [Entered: 06/23/2020 12:44 PM]
06/23/2020	<input type="checkbox"/>	4	Filed (ECF) notice of appearance of Brett E. Legner (Mayer Brown LLP, 71 South Wacker Drive, Chicago, IL 60606-4637) for Appellants National Pork Producers Council and American Farm Bureau Federation. Date of service: 06/23/2020. (Party was previously proceeding with counsel.) [11730987] [20-55631] (Legner, Brett) [Entered: 06/23/2020 02:32 PM]
06/24/2020	<input type="checkbox"/>	5	Added Attorney(s) Brett E. Legner for party(s) Appellant National Pork Producers Council Appellant American Farm Bureau Federation, in case 20-55631. [11731639] (RR) [Entered: 06/24/2020 07:40 AM]
06/24/2020	<input type="checkbox"/>	6 2 pg, 92.68 KB	MEDIATION ORDER FILED: This case is NOT SELECTED for inclusion in the Mediation Program. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant settlement discussions. [11732439] (BLS) [Entered: 06/24/2020 02:03 PM]
06/25/2020	<input type="checkbox"/>	7 4 pg, 201.97 KB	Filed (ECF) Appellants American Farm Bureau Federation and National Pork Producers Council Correspondence: Appellants' Notice Regarding No Transcript Ordered. Date of service: 06/25/2020 [11733414] [20-55631] (Bishop, Timothy) [Entered: 06/25/2020 11:28 AM]
08/12/2020	<input type="checkbox"/>	8	Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellants American Farm Bureau Federation and National Pork Producers Council. New requested due date is 09/23/2020. [11786625] [20-55631] (Bishop, Timothy) [Entered: 08/12/2020 01:27 PM]
08/12/2020	<input type="checkbox"/>	9	Streamlined request [8] by Appellants American Farm Bureau Federation and National Pork Producers Council to extend time to file the brief is approved. Amended briefing schedule: Appellants American Farm Bureau Federation and National Pork Producers Council opening brief due 09/23/2020. Appellees Sonia Angell, Animal Equality, Animal Legal Defense Fund, Xavier Becerra, Compassion Over Killing, Compassion in World Farming USA, Farm Sanctuary, Karen Ross, The Humane League and The Humane Society of the United States answering brief due 10/23/2020. The optional reply brief is due 21 days from the date of service of the answering brief. [11787034] (BG) [Entered: 08/12/2020 04:23 PM]

- 09/21/2020 10 Filed (ECF) notice of appearance of Travis Cushman (American Farm Bureau Federation 600 Maryland Avenue SW Ste. 1000W Washington, D.C. 20024) for Appellant American Farm Bureau Federation. Date of service: 09/21/2020. (Party was previously proceeding with counsel.) [11830915] [20-55631] (Cushman, Travis) [Entered: 09/21/2020 01:01 PM]
- 09/21/2020 11 Filed (ECF) notice of appearance of Michael Carl Formica (National Pork Producers Council, 122 C Street, N.W. Suite 875, Washington, DC 20001) for Appellant National Pork Producers Council. Date of service: 09/21/2020. (Party was previously proceeding with counsel.) [11830931] [20-55631] (Formica, Michael) [Entered: 09/21/2020 01:07 PM]
- 09/22/2020 12 Added Attorney(s) Michael Formica, Travis Cushman for party(s) Appellant National Pork Producers Council Appellant American Farm Bureau Federation, in case 20-55631. [11832823] (RR) [Entered: 09/22/2020 12:41 PM]
- 09/22/2020 13 Terminated Travis Cushman for National Pork Producers Council in 20-55631, Michael Formica for American Farm Bureau Federation in 20-55631 [11832842] (RR) [Entered: 09/22/2020 12:46 PM]
- 09/23/2020 [14](#)
178 pg, 903.2 KB Submitted (ECF) Opening Brief for review. Submitted by Appellants American Farm Bureau Federation and National Pork Producers Council. Date of service: 09/23/2020. [11833953] [20-55631] (Bishop, Timothy) [Entered: 09/23/2020 10:13 AM]
- 09/23/2020 [15](#)
276 pg, 64.08 MB Submitted (ECF) excerpts of record. Submitted by Appellants American Farm Bureau Federation and National Pork Producers Council. Date of service: 09/23/2020. [11833971] [20-55631] (Bishop, Timothy) [Entered: 09/23/2020 10:21 AM]
- 09/23/2020 [16](#)
2 pg, 96.47 KB Filed clerk order: The opening brief [[14](#)] submitted by American Farm Bureau Federation and National Pork Producers Council is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: blue. The excerpts of record [[15](#)] submitted by American Farm Bureau Federation and National Pork Producers Council are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11834429] (KT) [Entered: 09/23/2020 01:43 PM]
- 09/28/2020 17 Received 3 paper copies of excerpts of record [[15](#)] in 2 volume(s) filed by Appellants American Farm Bureau Federation and National

- Pork Producers Council. [11839256] (KWG) [Entered: 09/28/2020 01:38 PM]
- 09/28/2020 18 Received 6 paper copies of Opening Brief [\[14\]](#) filed by American Farm Bureau Federation and National Pork Producers Council. [11839953] (SD) [Entered: 09/28/2020 05:04 PM]
- 09/29/2020 19 Received 3 additional copies of excerpts of record [\[15\]](#) by Appellants American Farm Bureau Federation and National Pork Producers Council. [11841326] (KWG) [Entered: 09/29/2020 03:35 PM]
- 09/29/2020 20 Received 6 additional paper copies of Opening Brief [\[14\]](#) filed by American Farm Bureau Federation and National Pork Producers Council. [11841500] (SD) [Entered: 09/29/2020 04:48 PM]
- 09/30/2020 [21](#)
40 pg, 180.76 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by The National Association of Manufacturers, Chamber of Commerce of the United States of America, FMI - The Food Industry Association, the National Cattlemen's Beef Association, and the National Mining Association. Date of service: 09/30/2020. [11841979] [20-55631] (Stetson, Catherine) [Entered: 09/30/2020 10:01 AM]
- 09/30/2020 [22](#)
31 pg, 386.78 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by States of Indiana, Alabama, Alaska, Arkansas, Georgia, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, West Virginia, and Wyoming. Date of service: 09/30/2020. [11842644] [20-55631] (Fisher, Thomas) [Entered: 09/30/2020 02:22 PM]
- 09/30/2020 [23](#)
36 pg, 285.22 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by United States. Date of service: 09/30/2020. [11842814] [20-55631] (Pulham, Thomas) [Entered: 09/30/2020 03:28 PM]
- 10/01/2020 24 Entered appearance of Amici Curiae NAM, et al., State of Indiana, et al., and USA. [11843333] (KT) [Entered: 10/01/2020 09:00 AM]
- 10/01/2020 [25](#)
2 pg, 95.75 KB Filed clerk order: The amicus brief [\[21\]](#) submitted by NAM, et al. is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [11843356] (KT) [Entered: 10/01/2020 09:08 AM]
- 10/01/2020 [26](#)
2 pg, 95.75 KB Filed clerk order: The amicus brief [\[22\]](#) submitted by State of Indiana, et al. is filed. Within 7 days of the filing of this order, filer

is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [11843360] (KT) [Entered: 10/01/2020 09:10 AM]

- 10/01/2020 [27](#)
2 pg, 95.66 KB
- Filed clerk order: The amicus brief [23] submitted by USA is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [11843363] (KT) [Entered: 10/01/2020 09:12 AM]
- 10/02/2020 28
- Received 6 paper copies of Amicus Brief [22] filed by State of Indiana, et al. [11846336] (SD) [Entered: 10/02/2020 05:19 PM]
- 10/05/2020 29
- Received 6 paper copies of Amicus Brief [23] filed by USA. [11847730] (SD) [Entered: 10/05/2020 02:30 PM]
- 10/07/2020 30
- Received 6 paper copies of Amicus Brief [21] filed by NAM, et al. [11851146] (SD) [Entered: 10/07/2020 02:32 PM]
- 10/19/2020 31
- Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellees Xavier Becerra, Sonia Angell and Karen Ross. New requested due date is 11/23/2020. [11863007] [20-55631] (Wise, R.) [Entered: 10/19/2020 08:55 AM]
- 10/19/2020 32
- Streamlined request [31] by Appellees Sonia Angell, Xavier Becerra and Karen Ross to extend time to file the brief is approved. Amended briefing schedule: Appellees Sonia Angell, Animal Equality, Animal Legal Defense Fund, Xavier Becerra, Compassion Over Killing, Compassion in World Farming USA, Farm Sanctuary, Karen Ross, The Humane League and The Humane Society of the United States answering brief due 11/23/2020. The optional reply brief is due 21 days from the date of service of the answering brief.** [11863141] (BG) [Entered: 10/19/2020 09:31 AM]
- 11/20/2020 [33](#)
9 pg, 237.8 KB
- Filed (ECF) Health Care Without Harm, National Council for Occupational Safety and Health, Consumer Federation of America, and Food & Water Watch Motion to extend time to file amicus brief until 12/07/2020. Date of service: 11/20/2020. [11901226] [20-55631] (Berkowitz, Matt) [Entered: 11/20/2020 01:20 PM]
- 11/23/2020 34
- Filed (ECF) Appellants American Farm Bureau Federation and National Pork Producers Council response non-opposing motion/form/notice at [33] Motion (ECF Filing), [33] Motion (ECF Filing). Date of service: 11/23/2020. I certify that I have separately

notified all parties not registered for Appellate Electronic Filing in this case with notice of this non-opposition. [11902893] [20-55631] (Bishop, Timothy) [Entered: 11/23/2020 10:27 AM]

- 11/23/2020 [35](#)
46 pg, 127.76 KB Submitted (ECF) Answering Brief for review. Submitted by Appellees Xavier Becerra and Karen Ross. Date of service: 11/23/2020. [11903684] [20-55631] (Wise, R.) [Entered: 11/23/2020 02:13 PM]
- 11/23/2020 [36](#)
64 pg, 328.62 KB Submitted (ECF) Answering Brief for review. Submitted by Appellees ALDF, Animal Equality, Compassion in World Farming USA, Farm Sanctuary, The Humane League and The Humane Society of the United States. Date of service: 11/23/2020. [11904073] [20-55631]--[COURT UPDATE: updated docket text to correct brief type. 11/24/2020 by KT] (Wagman, Bruce) [Entered: 11/23/2020 04:03 PM]
- 11/24/2020 [37](#)
2 pg, 97.49 KB Filed clerk order: The answering brief [\[35\]](#) submitted by Xavier Becerra, et al. is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be submitted to the principal office of the Clerk. [11905668] (KT) [Entered: 11/24/2020 03:30 PM]
- 11/24/2020 [38](#)
2 pg, 96.72 KB Filed clerk order: The answering brief [\[36\]](#) submitted by The Humane Society of the United States, et al. is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be submitted to the principal office of the Clerk. [11905672] (KT) [Entered: 11/24/2020 03:31 PM]
- 11/25/2020 [39](#)
2 pg, 102.99 KB Filed clerk order (Deputy Clerk: TAH): The motion (Docket Entry No. [\[33\]](#)) of Health Care Without Harm, National Council for Occupational Safety and Health, Consumer Federation of America, and Food & Water Watch for an extension of time in which to file a motion for leave to file an amicus brief is granted. The movants may file a motion for leave to file an amicus brief on or before December 7, 2020. The appellants' optional reply brief is now due December 21, 2020. [11906456] (WL) [Entered: 11/25/2020 11:23 AM]
- 11/27/2020 40 Received 6 paper copies of Answering Brief [\[36\]](#) filed by The Humane Society of the United States, et al. [11908092] (SD) [Entered: 11/27/2020 03:53 PM]
- 11/30/2020 41 Filed (ECF) Streamlined request for extension of time to file Reply Brief by Appellants American Farm Bureau Federation and National

Pork Producers Council. New requested due date is 01/11/2021. [11908603] [20-55631] (Bishop, Timothy) [Entered: 11/30/2020 08:40 AM]

11/30/2020 42 **Streamlined request [41] by Appellants American Farm Bureau Federation and National Pork Producers Council to extend time to file the brief is approved. Streamlined requests allow for 30 days. Amended briefing schedule: the optional reply brief is due 01/14/2021.** [11908790] (BG) [Entered: 11/30/2020 09:45 AM]

11/30/2020 [43](#)
41 pg, 324.07 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Association of California Egg Farmers and Pacific Egg & Poultry Association. Date of service: 11/30/2020. [11909730] [20-55631] (Boynton, Brian) [Entered: 11/30/2020 03:03 PM]

12/01/2020 44 Entered appearance of Amici Curiae Association of California Egg Farmers and Pacific Egg & Poultry Association. [11911379] (KT) [Entered: 12/01/2020 02:52 PM]

12/01/2020 [45](#)
2 pg, 96.19 KB Filed clerk order: The amicus brief [\[43\]](#) submitted by Association of California Egg Farmers and Pacific Egg & Poultry Association is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [11911383] (KT) [Entered: 12/01/2020 02:52 PM]

12/03/2020 46 Received 6 paper copies of Amicus Brief [\[43\]](#) filed by Association of California Egg Farmers and Pacific Egg & Poultry Association. [11914471] (SD) [Entered: 12/03/2020 03:42 PM]

12/04/2020 47 This case is being considered for an upcoming oral argument calendar in Pasadena

Please review the Pasadena sitting dates for April 2021 and the 2 subsequent sitting months in that location at http://www.ca9.uscourts.gov/court_sessions. If you have an unavoidable conflict on any of the dates, please file [Form 32](#) **within 3 business days of this notice** using the CM/ECF filing type **Response to Case Being Considered for Oral Argument**. Please follow the form's [instructions](#) carefully.

When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.

If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter **within 3 business days of this notice**, using CM/ECF (**Type of Document**: Correspondence to Court; **Subject**: request for mediation).[11915919]. [20-55631] (AW) [Entered: 12/04/2020 05:01 PM]

- 12/07/2020 [48](#)
38 pg, 2.81 MB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Health Care Without Harm, National Council for Occupational Safety and Health, Consumer Federation of America, and Food & Water Watch. Date of service: 12/07/2020. [11917278] [20-55631] (Berkowitz, Matt) [Entered: 12/07/2020 02:21 PM]
- 12/08/2020 49 Entered appearance of Amici Curiae Health Care Without Harm, National Council for Occupational Safety and Health, Consumer Federation of America, and Food & Water Watch. [11918673] (LA) [Entered: 12/08/2020 11:33 AM]
- 12/08/2020 [50](#)
2 pg, 100.27 KB Filed clerk order: The amicus brief [[48](#)] submitted by Health Care Without Harm, National Council for Occupational Safety and Health, Consumer Federation of America, and Food & Water Watch is filed. Within 7 days of the filing of this order, amici curiae are ordered to file 6 copies of the amicus brief in paper format with green covers, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. A review of Court records reflects that appellees Xavier Becerra, et al. have not filed paper copies of the answering brief [[35](#)] as directed by the Court's order filed on November 24, 2020 [[37](#)]. Within 7 days of this order, appellees Xavier Becerra, et al. are ordered to file 7 copies of the answering brief in paper format with red covers, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. The paper copies shall be submitted to the principal office of the Clerk. [11918690] (LA) [Entered: 12/08/2020 11:39 AM]
- 12/10/2020 51 Received 6 paper copies of Answering Brief [[35](#)] filed by Xavier Becerra, et al. [11923237] (SD) [Entered: 12/10/2020 04:04 PM]
- 12/10/2020 52 Received 6 paper copies of Amicus Brief [[48](#)] filed by Health Care Without Harm, National Council for Occupational Safety and Health, Consumer Federation of America, and Food & Water Watch. [11923243] (SD) [Entered: 12/10/2020 04:07 PM]
- 01/14/2021 [53](#)
49 pg, 272.81 KB Submitted (ECF) Reply Brief for review. Submitted by Appellants American Farm Bureau Federation and National Pork Producers Council. Date of service: 01/14/2021. [11963211] [20-55631]--

[COURT UPDATE: Attached corrected PDF of the brief.
01/14/2021 by KWG] (Bishop, Timothy) [Entered: 01/14/2021
07:54 AM]

01/14/2021 [54](#)
2 pg, 96.5 KB

Filed clerk order: The reply brief [[53](#)] submitted by American Farm Bureau Federation and National Pork Producers Council is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be submitted to the principal office of the Clerk. [11963970] (KWG) [Entered: 01/14/2021 01:21 PM]

01/19/2021 55

Received 6 paper copies of Reply Brief [[53](#)] filed by American Farm Bureau Federation and National Pork Producers Council. (sent to panel) [11968127] (SD) [Entered: 01/19/2021 02:04 PM]

01/31/2021 56

Notice of Oral Argument on Wednesday, April 14, 2021 - 09:00 A.M. - Courtroom 3 - Scheduled Location: Pasadena CA. The hearing time is the local time zone at the scheduled hearing location, even if the argument is fully remote.

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. *See* Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, any argument may be held **remotely** with all of the judges and attorneys appearing by video or telephone. Travel to a courthouse will not be required. If the panel determines that it will hold oral argument, the Clerk's Office will be in contact with you directly at least two weeks before the set argument date to make any necessary arrangements for remote appearance.

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the [ACKNOWLEDGMENT OF HEARING NOTICE](#) filing type in CM/ECF no later than 21 days before Wednesday, April 14, 2021. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing

			notice.[11987039]. [20-55631] (AW) [Entered: 01/31/2021 06:10 AM]
03/19/2021	<input type="checkbox"/>	57	Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. R. Matthew Wise, Esquire for Appellees Sonia Angell, Xavier Becerra and Karen Ross. Hearing in Pasadena on 04/14/2021 at 09:00 A.M. (Courtroom: Courtroom 3). Filer sharing argument time: Yes. (Argument minutes: 10.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 03/19/2021. [12047971] [20-55631] (Wise, R.) [Entered: 03/19/2021 03:28 PM]
03/22/2021	<input type="checkbox"/>	58	Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Timothy S. Bishop for Appellants American Farm Bureau Federation and National Pork Producers Council. Hearing in Pasadena on 04/14/2021 at 09:00 A.M. (Courtroom: Courtroom 3). Filer sharing argument time: No. (Argument minutes: 15.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 03/22/2021. [12048296] [20-55631] (Bishop, Timothy) [Entered: 03/22/2021 06:32 AM]
03/22/2021	<input type="checkbox"/>	59	Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Bruce A. Wagman for Appellees Animal Equality, ALDF, Compassion in World Farming USA, Compassion Over Killing, Farm Sanctuary, The Humane League and The Humane Society of the United States. Hearing in Pasadena on 04/14/2021 at 09:00 A.M. (Courtroom: Courtroom 3). Filer sharing argument time: Yes. (Argument minutes: 5.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 03/22/2021. [12048430] [20-55631] (Wagman, Bruce) [Entered: 03/22/2021 08:41 AM]
04/09/2021	<input type="checkbox"/>	60	Filed (ECF) Appellees The Humane Society of the United States, ALDF, Animal Equality, The Humane League, Farm Sanctuary and Compassion in World Farming USA citation of supplemental authorities. Date of service: 04/09/2021. [12070039] [20-55631] (Wagman, Bruce) [Entered: 04/09/2021 05:25 PM]
			13 pg, 395.57 KB
04/14/2021	<input type="checkbox"/>	61	ARGUED AND SUBMITTED TO MILAN D. SMITH, JR., SANDRA S. IKUTA and JOHN E. STEELE. [12073896] (DLM) [Entered: 04/14/2021 11:25 AM]
04/22/2021	<input type="checkbox"/>	62	Filed Audio recording of oral argument.
			1 pg, 14.8 MB
			Note: Video recordings of public argument calendars are available on the Court's website, at http://www.ca9.uscourts.gov/media/ [12084123] (DLM) [Entered: 04/22/2021 04:03 PM]

- 05/10/2021 63 COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [64](#). Original Text: Filed (ECF) Appellees ALDF, Animal Equality, Compassion in World Farming USA, Compassion Over Killing, Farm Sanctuary, The Humane League and The Humane Society of the United States Correspondence: Letter to Court re supporting opinion. Date of service: 05/10/2021 [12106932] [20-55631] (Wagman, Bruce) [Entered: 05/10/2021 08:27 AM]
- 05/10/2021 [64](#)
16 pg, 546.98 KB Filed (ECF) Appellees Animal Equality, ALDF, Compassion Over Killing, Compassion in World Farming USA, Farm Sanctuary, The Humane League and The Humane Society of the United States citation of supplemental authorities. Date of service: 05/10/2021. [12107854] --[COURT ENTERED FILING to correct entry [63] .] (TYL) [Entered: 05/10/2021 02:14 PM]
- 05/12/2021 [65](#)
2 pg, 63.96 KB Filed (ECF) Appellants American Farm Bureau Federation and National Pork Producers Council citation of supplemental authorities. Date of service: 05/12/2021. [12110107] [20-55631] (Bishop, Timothy) [Entered: 05/12/2021 09:01 AM]
- 06/07/2021 [66](#)
97 pg, 1.15 MB Filed (ECF) Appellants American Farm Bureau Federation and National Pork Producers Council citation of supplemental authorities. Date of service: 06/07/2021. [12135790] [20-55631] (Bishop, Timothy) [Entered: 06/07/2021 12:30 PM]
- 06/10/2021 [67](#)
2 pg, 166.67 KB Filed (ECF) Appellees ALDF, Animal Equality, Compassion in World Farming USA, Compassion Over Killing, Farm Sanctuary, The Humane League and The Humane Society of the United States citation of supplemental authorities. Date of service: 06/10/2021. [12140144] [20-55631] (Wagman, Bruce) [Entered: 06/10/2021 10:02 AM]
- 06/15/2021 [68](#)
3 pg, 134.21 KB Filed (ECF) Appellees Karen Ross, Sonia Angell and Xavier Becerra citation of supplemental authorities. Date of service: 06/15/2021. [12145190] [20-55631] (Wise, R.) [Entered: 06/15/2021 03:29 PM]
- 07/28/2021 69 Appellees Sonia Angell and Xavier Becerra in 20-55631 substituted by Appellees Tomas Aragon and Rob Bonta in 20-55631 [12185090] (SLM) [Entered: 07/28/2021 09:08 AM]
- 07/28/2021 [70](#)
91 pg, 527.8 KB FILED OPINION (MILAN D. SMITH, JR., SANDRA S. IKUTA and JOHN E. STEELE) AFFIRMED. Judge: SSI Authoring. FILED AND ENTERED JUDGMENT. [12185108] (MM) [Entered: 07/28/2021 09:15 AM]