

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

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NEW YORK STATE VEGETABLE : 23-CV-1044-JLS
 GROWERS ASSOCIATION, INC. ET AL.

Plaintiff(s), :

v. : **JOINT [PROPOSED]**
SCHEDULING ORDER

KATHLEEN HOCHUL ET AL. :

Defendant(s). :

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JOINT [PROPOSED] SCHEDULING ORDER

On October 4, 2023, and October 5, 2023, the Parties, by and through their respective counsel, met and conferred to develop a proposed scheduling order and stipulation.

The Parties respectfully request that the Court issue a scheduling order containing the following proposed deadlines and case schedule:

I. DEADLINES


1. Defendants shall answer or otherwise file all papers in response to the Complaint (Dkt. 1) and Motion for a Temporary Restraining Order and Preliminary Injunction (Dkt. 2) by November 20, 2023.
2. Plaintiffs shall file reply papers, if any, by December 11, 2023.
3. A Preliminary Injunction Hearing is scheduled for December 28 at 9:30 a.m.

II. STIPULATION

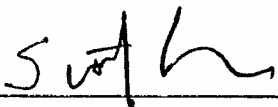
The Parties jointly stipulate that (i) no criminal prosecution of Plaintiffs shall be initiated by Defendants or their agents or employees until the Court issues a decision on Plaintiffs' Motion for Preliminary Injunction; and (ii) PERB, including but not limited to the Board, PERB

administrative law judges, and PERB hearing officers, shall not issue any order on matters pending before it to which a private sector agricultural employer is a party, until two weeks after the preliminary injunction hearing, or until all related briefs and evidence have been submitted to the Court, whichever is later; and (iii) any ruling by those acting under delegated authority of the PERB Board in a matter to which a private sector agricultural employer is a party, shall be stayed until two weeks after the preliminary injunction hearing, or until all related briefs and evidence have been submitted to the Court, whichever is later. Plaintiffs acknowledge that Defendants' commitments herein do not limit third parties from filing of new matters before PERB, but any such filings will be administered consistent with this agreement.


IT IS SO ORDERED.



HON. JOHN L. SINATRA JR.
U.S. DISTRICT JUDGE
10-6-2023

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