

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CENTER FOR FOOD SAFETY, <i>et al.</i> ,)	Case No.: 12-cv-04529-PJH
)	
<i>Plaintiffs,</i>)	
)	
v.)	[PROPOSED] ORDER
)	
MARGARET A. HAMBURG, M.D., <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

[PROPOSED] ORDER

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), each party, by and through its respective counsel, stipulates to the dismissal with prejudice of Defendant Jeffrey Zients and all claims, Compl. ¶¶ 52, 57, 61 (ECF No. 01), against him in his official capacity as Acting Director, Deputy Director for Management, and Chief Performance Officer of the Office of Management and Budget from this action.

Each party, by and through its respective counsel, further stipulates to the dismissal with prejudice of claims, Compl. ¶¶ 53, 58, 62 (ECF No. 01), against Defendant Margaret A. Hamburg in her official capacity as Commissioner of the United States Food and Drug Administration (FDA) based on the FDA’s alleged failure to enforce the self-executing provisions of the Food Safety Modernization Act.

Plaintiffs’ claims against Defendant Margaret A. Hamburg alleging that FDA has violated and continues to violate FSMA and the APA by failing to promulgate FSMA regulations by statutory deadlines, Compl. ¶¶ 51, 56, 60 (ECF No. 01), remain for adjudication.

PURSUANT TO JOINT STIPULATION OF THE PARTIES, IT IS SO ORDERED.

DATED: 1/14/13 _____

PHYLLIS J. HAMILTON
United States District Judge



[PROPOSED] ORDER