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THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CENTER FOR FOOD SAFETY, et al.) Case No. 3:20-cv-1537-RS
)
Plaintiffs,) **PLAINTIFFS' MOTION FOR**
) **SUMMARY JUDGMENT**
v.)
)
SONNY PERDUE, et al.)
) Date: January 21, 2021
) Courtroom: 3 - 17th Floor
) Hon. Richard Seeborg

NOTICE OF MOTION AND MOTION

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PLEASE TAKE NOTICE that on January 21, 2021, or as soon thereafter as counsel can be heard, Plaintiffs Center for Food Safety, Swanton Berry Farms, Inc., Full Belly Farm, Inc., Durst Organic Growers, Inc., Terra Firma Farms, Inc., Jacobs Farm/Del Cabo, Inc., Long Wind Farm, Inc., OneCert, Inc., and Maine Organic Farmers and Gardeners Association, will move this Court for summary judgment on all issues raised in their March 3, 2020 Complaint, ECF No. 1.

Pursuant to Civil Local Rules 7-2 and 56-1, Plaintiffs respectfully move this Court to grant summary judgment in Plaintiffs’ favor on all claims alleged in Plaintiffs’ Complaint, on the grounds that there is no genuine issue as to any material fact and that Plaintiffs are entitled to judgment as a matter of law. USDA’s June 6, 2019 letter denying a rulemaking petition which requested USDA to conduct rulemaking to exclude organic certification of hydroponic agricultural production systems under the Organic Foods Production Act (OFPA), 7 U.S.C. §§ 6501-6523, violates the plain language of OFPA’s purpose, its statutory and regulatory provisions, and is arbitrary and capricious, and contrary to law, in violation of the Administrative Procedure Act (APA), 5 U.S.C. § 706(2). This Motion is based upon the pleadings and administrative record on file in this case, the concurrently-filed Motion to Complete or Supplement the Administrative Record and supporting papers therewith, the points and authorities herein, and the declarations submitted herewith.

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