

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ORGANIC TRADE ASSOCIATION,

Plaintiff,

v.

UNITED STATES DEPARTMENT
OF AGRICULTURE, *et al.*,

Defendants.

Case No. 1:17-cv-01875-PLF

JOINT STATUS REPORT

Pursuant to the Court's Order of March 12, 2020, ECF No. 112, the parties respectfully report on the status of proceedings in this case as follows:

1. On March 12, 2020, the Court granted USDA's motion for voluntary remand and stayed the case pending completion of further administrative proceedings. *See* ECF No. 112 ("Remand Order").

2. The Remand Order directed USDA to complete its work on remand within 180 days, and ordered the parties to file a joint status report by September 8, 2020. *See* ECF No. 112, at 3.

3. On September 4, 2020, USDA posted a final draft of its decision on the AMS website, with publication of the official version of that final decision in the Federal Register expected shortly.¹

¹ *See* <https://www.ams.usda.gov/sites/default/files/media/OLPPDecisionNoticeFINAL.pdf>

4. OTA objects to the defendants' failure to meet the court-ordered deadline for publication of a final document in the Federal Register.

5. USDA disagrees that it failed to meet its deadline; USDA has completed its work, subject only to publication in the Federal Register, which USDA does not control. Moreover, official publication in the Federal Register is not expected to entail any substantive changes.

6. Notwithstanding these differences of opinion, the parties agree that the Court should lift the stay entered on March 12, 2020.

7. The parties propose to confer further and submit a joint case management schedule by Friday, September 11, 2020, that addresses deadlines for further proceedings. The parties may submit separate proposals if agreement is not reached.

Dated: September 8, 2020

Respectfully Submitted,

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